

James J. Stoveken to be postmaster at Pembine, Wis., in place of J. J. Stoveken. Incumbent's commission expires January 22, 1929.

George F. Fiedler to be postmaster at Seymour, Wis., in place of G. F. Fiedler. Incumbent's commission expires January 22, 1929.

Magnus Magnusson to be postmaster at Washington Island, Wis., in place of Magnus Magnusson. Incumbent's commission expires January 22, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 15 (legislative day of January 14), 1929

TREASURER OF THE UNITED STATES

Walter O. Woods to be Treasurer of the United States.

UNITED STATES JUDGE, DISTRICT OF ALASKA, DIVISION NO. 1

Justin W. Harding to be United States judge, District of Alaska, division No. 1.

UNITED STATES ATTORNEY

Levi H. Bancroft to be United States attorney, eastern district of Wisconsin.

UNITED STATES MARSHALS

Howard C. Arnold to be United States marshal, district of Rhode Island.

Charles A. Smith to be United States marshal, northern district of Indiana.

POSTMASTERS

ALABAMA

Charles W. Horn, Brantley.

CONNECTICUT

Albert N. Colgrove, Waterbury.

FLORIDA

Blanche B. Perry, Jennings.

GEORGIA

Charles P. Graddick, Barnesville.

IDAHO

Homer W. Woodall, Soda Springs.

MAINE

Charles E. Sherman, Boothbay Harbor.

Ernest A. Fogg, Livermore Falls.

Virgil A. Linnell, Rumford.

George G. Winters, Strong.

MICHIGAN

Myrtle G. Lewis, Burr Oak.

Harry G. Buck, Carleton.

Frank A. Cole, Grass Lake.

Edgar Rashleigh, Houghton.

Peter Trudell, jr., Negaunee.

Hattie G. Jones, Oxford.

MISSISSIPPI

Annie D. McLelland, Newton.

NORTH DAKOTA

John W. Jeffery, Wales.

OHIO

Clyde A. Wilcox, Bethesda.

Alice Hastings, Lagrange.

Russell C. Niles, West Milton.

PENNSYLVANIA

Norman H. Koch, Weatherly.

Boles M. Boyer, Weissport.

UTAH

Cora E. Paxton, Lynndyl.

WITHDRAWALS

Executive nominations withdrawn January 15 (legislative day of January 14), 1929

TREASURER OF THE UNITED STATES

H. Theodore Tate, of Tennessee, to be Treasurer of the United States.

POSTMASTER

Robert Kirkpatrick, to be postmaster at Folcroft, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, January 15, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Because of human frailty, our loving Father, we speak Thy name with faltering lips. All about us are the myriad forms of life and power. We no longer tremble before these mysteries of the material world. All in vain shall we find Thee here. Do Thou enable us to see more than matter. There is nothing greater in all the world than the soul of man! Oh, deal with us according to Thy will and wisdom. Give what is best; still the sigh and awaken the song. Among the shadows of the transient may we most reverently realize the permanent, to which we are eternally allied. We thank Thee for the imperishable certainties that sing on forever. Thy holy name, which is forever chanted through the heavenly spheres; may its voice continue to foretell the morning of earth's fairest day. Through Jesus Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age.

H. R. 8859. An act for the relief of Edna E. Snably.

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California*;

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1640. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.;

S. 2362. An act to authorize the payment to Robert Toquothy of royalties arising from an oil and gas well in the bed of the Red River, Okla.;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska;

S. 5060. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929;

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1320. An act for the relief of James W. Pringle; and

H. R. 11859. An act for the relief of B. C. Miller.

The message also announced that the Vice President had appointed Mr. MOSES and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

The message also announced that the Vice President had appointed Mr. HALE and Mr. SWANSON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Navy Department.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. BANKHEAD. Mr. Speaker, there is a very important matter coming up from the Committee on Rules, and I think we ought to have a quorum present. Therefore I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

(Roll No. 12)

Ackerman	Dickstein	Kunz	Reed, Ark.
Aldrich	Douglass, Mass.	Kurtz	Schafer
Allgood	Doutrich	Lehibach	Sears, Fla.
Anthony	Doyle	Lindsay	Seger
Auf der Heide	Drewry	Linthicum	Sirovich
Bell	Eaton	Lozier	Speaks
Black, N. Y.	Fitzgerald, Roy G.	Lyon	Stedman
Blanton	Fletcher	McClintie	Strother
Boles	Fort	McCormack	Sullivan
Bowles	Free	McFadden	Summers, Wash.
Brigham	Fulmer	McSwain	Summers, Tex.
Britten	Gasque	McSweeney	Tatgenhorst
Burtness	Gibson	Maas	Taylor, Tenn.
Bushong	Golder	Michaelson	Temple
Canfield	Griest	Moore, Ky.	Thompson
Carley	Hammer	Moore, N. J.	Tillman
Chase	Hoffman	O'Connor, N. Y.	Underwood
Cochran, Pa.	Houston	Palmer	Uddike
Cole, Md.	Hull, William E.	Palmisano	Weaver
Combs	Igoe	Peavey	Welch, Calif.
Connolly, Pa.	Jacobstein	Prall	White, Colo.
Crall	Jenkins	Pratt	White, Kans.
Curry	Kent	Purnell	Wilson, Miss.
Davenport	Kiess	Quayle	Wolverton
Davey	Kindred	Rainey	Yates
Dempsey	King	Ransley	

The SPEAKER. Three hundred and twenty-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan is recognized for five minutes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend that 5 minutes to 10 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

STEPHEN T. MATHER AND THE NATIONAL PARKS

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, word has been carried to the country that Stephen T. Mather, the first Director of the National Park Service, has, by reason of serious ill health, been obliged to resign that position, and his successor has been appointed and taken office. That word has caused the greatest of regret on the part of every Member of this House, just as it has in the hearts of nature lovers throughout this country.

My contact with him through my committee work has been of the closest nature in the last eight or nine years, and I have felt that expression should be given here, even in my humble way, in recognition of his outstanding services to the country as the head and the inspiration of the National Park Service. [Applause.]

For many years the national parks that had been set apart for the preservation of outstanding scenic areas were administered in a most desultory way. In 1915 Franklin K. Lane, a great Secretary of the Interior, demonstrated that capacity, greatness, and breadth of view when he disregarded party lines and appointed Stephen T. Mather, not of his party, as the head of the newly created Park Service. Disregarding party considerations and party lines, Secretary Lane selected wisely the head of the newly created National Park Service.

In 1915 Secretary Lane had brought Mr. Mather to Washington by appointment as assistant to the Secretary. At that time the administration of the national parks was chiefly by the Army, but in so far as there was any jurisdiction in the Interior Department it was brought together under Mr. Mather. His chief aide and legal adviser was Horace M. Albright, who had come to Washington for the purpose of following up his college work by researches in mining and land law and became an assistant attorney in the Interior Department, dealing chiefly with national-park matters.

Stephen T. Mather is a native of California, a graduate of the University of California, whose postgraduate work was on the staff of the New York Sun from 1887 to 1893. In 1894 he became interested in the borax industry, where the fortune was accumulated which he has drawn upon so lavishly for the public good.

Up to 1915 he had been actively engaged in the administration of his business interests, but this did not prevent him from realizing the importance of outdoor recreation; and as a member of the Sierra Club he explored the mountains of California and came in touch with many conservationists of note. Under Mr. Mather's efficient leadership the national-park work was coordinated and expanded, and in a year and a half legislation had been secured creating the National Park Service as a separate bureau of the Department of the Interior. Several months later, when funds became available for actually establishing the bureau, Mr. Mather was appointed its first director.

In the days of struggle before the creation of the bureau and for many years afterwards when funds for civilian bureaus were necessarily limited because of war and postwar expenses, Mr. Mather gave freely of his personal funds in many ways for the benefit of the national-park system. In one park a road was purchased with private funds raised through his efforts and largely with his own personal funds. In another, land for an administration site was purchased by him and donated to the Government. He spent thousands of dollars of his private fortune in the purchase of private lands within the parks, and by his example and through his untiring efforts secured many thousands more from other private sources. Just how much he has spent in helping the people of America to enjoy their national parks will never be known, for he has been very reticent about this; but the sum that is known is an impressive one.

By no means the least factor in Mr. Mather's success in coordinating, administering, and developing the national-park system has been his uncanny ability to pick the right man for a particular job; and the loyalty to the cause, as represented by the chief, has caused many a park superintendent and other officer to give up opportunities for larger financial returns to stick to the "park game," as they call it. Working under Mr. Mather has been a game in the truest sense of the word.

I have in my service of many years on the Committee on Appropriations come into rather close contact with many branches of the Government service in Washington and in the field, and nowhere have I seen such uniform devotion to the highest ideals of service to the country, such unselfish teamwork, such an esprit de corps as in the National Park Service as organized and built up under Stephen T. Mather.

Since Mr. Mather took charge of the national park system seven new national parks have been created, as follows: Hawaii, Lassen Volcanic, Mount McKinley, Lafayette, Grand Canyon,

Zion, and Bryce Canyon. Another one, the Rocky Mountain, was established several days after his appointment, but all the preliminary work on this project had been completed before he joined the Government. During his administration two other eastern projects, those for the establishment of the Shenandoah and Great Smoky Mountains National Parks, have received the approval of Congress, and their actual establishment undoubtedly will be only a matter of time. Park travel showed a mighty increase during his incumbency. During the 1915 travel year a total of only 334,799 visited the parks, while during the season ended September 30, 1928, the number of visitors to the national parks amounted to 2,522,188, with 502,656 more visiting the national monuments.

Confidence in Mr. Mather's administration led private individuals and corporations to invest huge sums in the installation of public utilities in the major parks. It is doubtful if any other man in the critical early days of the service could have obtained quite the same satisfactory results. Sufficient credit is not given to the public-spirited men who have organized and developed the needed utilities for the parks.

As Director of the National Park Service of the Interior Department Mr. Mather was also a member of the National Capital Park and Planning Commission. He was also the representative of the Department of the Interior on the Coordinating Commission on National Parks and Forests, appointed by the President's committee on outdoor recreation for the purpose of considering proposed adjustments of national park and forest boundaries. He is now chairman of the National Conference on State Parks, an organization established through his personal efforts to urge upon our Governments, local and national, the desirability of acquiring land and water areas suitable for recreation and the preservation of wild life.

In 1926 he was awarded the gold medal of the National Institute of Social Sciences for his services to the Nation in the development and administration of the national parks throughout the country. The University of California, from which he graduated in 1887, in 1924 conferred upon him the honorary degree of doctor of laws, and he was the recipient of several other honorary degrees.

In December, 1921, hearings were held on the first Interior Department appropriation bill, all the appropriations for all the activities of that department in Washington and elsewhere being then for the first time, under the operation of the newly adopted Budget system, brought into one bill. Before that I had been in contact with the work of the National Park Service in a general way and through visits to some of the parks. Since that time my contact with the National Park Service and with the labors of Stephen T. Mather as its chief and inspiration have been close. My contact with him has been intimate, and as a natural consequence my confidence in him and my admiration for his work has become unlimited, as his wonderful personality and splendid ideals have won me and inspired me as they have all with whom he has come in contact. The opportunity given me by my committee work to cooperate with him has been one of the privileges and greatest pleasures of my congressional career.

In the early days of his administration the appropriations were small and sometimes contested before Congress, but in the latter days no request that has come to Congress from the Park Service has been denied by Congress, and frequently appropriations for the acceleration of his program have been granted that were not requested but were indorsed by the Park Service. In the fiscal year 1917 the total appropriations for the National Park Service were \$784,566.67. In 1922 they were \$1,433,220, in 1929 they are \$4,659,700, and the 1930 bill, now pending, carries \$7,390,940—very tangible evidence of the confidence of Congress in the leadership and administration of Stephen T. Mather, as well as interest in the work committed to his charge. He won the regard and confidence of our committee primarily in this: He is as careful and economical in the use of public funds as he is generous in the giving of his own.

No one knows how much of his own money has been put into the development of these projects, into the acquisition of timbered areas that were menaced by private development. It is many, many thousands of dollars that he has given of his money, but with that generous use of his own money he has combined the quality of careful economy in the expenditure of the public funds; and these qualities gave him the absolute confidence of our committee and have given him the absolute confidence of the Congress, and thus he has developed the program much more rapidly than otherwise would have been possible.

The preservation of our greatest scenic wonders as national parks and the contact of our people with them under proper condition is bound to affect appreciably and in a desirable way the future of our Nation.

Years ago Thackeray wrote to his daughters of a sunrise:

Those magnificent spectacles of nature are like personal kindnesses from the Maker to us—and make me feel grateful.

On a former occasion in this House, December 6, 1924, I sought to emphasize the value of this work, saying then:

These places are being secured to the free public use of all our people for all time to come. The park of other lands and other times was the monopolized exponent of human selfishness, with "keep out" signs facing the multitudes. The American public park idea is unique and its crowning glory is the national-park system. Therein are being enshrined nature's masterpieces, their beauties and wonders to be preserved and protected for the common use of all for all time to come. Whether it be preeminent in the glory of its trees, of a lake of unrivaled blue, of glaciers, of majestic peaks massing one upon another with eternal snow upon them, or one rising in solitary grandeur above a principality, of wild plant and animal life, of waterfalls that thrill and arouse while they subdue, or of eroded chasms and precipices colored by nature with beauty that defies the imagination, whatever it offers to delight the human eye, is offered freely and unselfishly to all alike. Paraphrasing Longfellow, whatever fortune is denied me, "you can not rob me of free nature's grace," and in the Nation's playgrounds and scenic reservations—

You can not bar my constant feet to trace
The woods and lawns, by living stream, at eve;
Let health my nerves and finer fibers brace,
And I their toys to the great children leave;
Of fancy, reason, virtue, naught can me bereave.

Communion with nature chastens and subdues the ego, it conduces to unselfishness and willingness to serve and sacrifice, it modifies the will to exploit, to monopolize, it clears the vision as to relative values of temporary gain against the eternal.

The act of August 25, 1916, establishing the National Park Service prescribed its duties thus:

The service thus established shall promote and regulate the use of the Federal area known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

In establishing the Yellowstone National Park in 1872, Congress dedicated that marvelous area and set it apart "as a public park or pleasuring ground for the benefit and enjoyment of the people."

In his sixth annual report as Director of the National Park Service, for 1922, Mr. Mather said:

The subjugation and utilization of the forces and products of nature by man is the basis of successful economic existence and national development. But is nature untouched, unnecessary, or unwanted in our complicated scheme of living? Are not reserved places of great natural beauty as important in our daily life as those utilized areas that take care of our physical needs? Viewing this question in the light of what may be called business vision or practical common sense, and leaving out sentiment, we have only to point, for our answer, to the strenuous efforts of war-torn and other countries of Europe to reestablish their formerly large tourist trade by advertising their scenic attractions, to appreciate the extent to which the traveling public helps in filling the financial coffers of any country that has scenery of the first class to offer. Surely few of us are not susceptible to the appeal of nature. There is something in the quiet contemplation of natural scenery, and particularly in magnificent examples of the Creator's work, that is elevating, refreshing, restful, and inspiring. It exerts its appeal to the best in us; seeing it makes us better men and women, physically and mentally and spiritually.

It has been Stephen T. Mather's great opportunity in these past 12 years to lay the foundations of the Park Service, to define and develop the policies under which for centuries to come these national park areas shall be conserved unimpaired for future generations, while enjoyed by the present generation. As he has builded so wisely, his work will stand. There will never come an end to the good that he has done. Can any man desire a more wonderful career?

He came to this work because of the great confidence which Secretary Lane had in him, a confidence manifested in generous measure by each subsequent Secretary of the Interior.

He served longer under Hubert C. Work than under any other Interior Department head and the country is greatly indebted to Secretary Work for the constant and invaluable support he gave Director Mather at all times in his work of development, his building of policies and his preservation of these invaluable scenic areas. Against powerful political and other selfish in-

terests he stood always in firm support of Director Mather, and I speak of my own personal knowledge in this.

Now, because of very serious illness which has confined him to the hospital since early November, Director Mather has felt obliged to resign from the service, his letter of resignation, addressed to the Secretary of the Interior, Hon. Roy O. West, reading:

MY DEAR MR. SECRETARY: I regret that I am forced by illness to hand this, my resignation as Director of the National Park Service, to you, effective to-day. I am happy in the thought, however, that I can feel that the accomplishments of the past 10 years in particular in that field have seen the development of the national park system into one of real service to the public of our country, as was the purpose when the National Park Service was created.

I can not sever my connection with the Department of the Interior without paying a tribute to the fine service of my associates in the Washington office and in the field branches of my bureau who have been so loyal, efficient, and untiring in their helpfulness and without whom this result could not have been attained. No bureau chief has had more competent and faithful employees than it has been my good fortune to have had associated with me in this national park work. May I not also express here my gratitude for the inspirational leadership and unfailing support of yourself and your predecessors, the Secretaries of the Interior under whom I have served.

I wish, too, there was some way in which I could thank my friends in Congress for the aid, through legislation and appropriations, which has been so generously extended and without which our efforts would have been largely futile.

Faithfully yours,

STEPHEN T. MATHER, *Director*.

Well-deserved tribute to his work was paid by Secretary West in accepting this resignation, when he said:

The Federal Government, and the American people as a whole, owe you a deep debt of gratitude for the many years of intensely patriotic, self-sacrificing, and constructive service you have rendered in furthering the cause of national parks and making these reservations readily available to all classes of our people. * * *

Under your splendid leadership the people of the Nation have been awakened to the beauties and possibilities of the national parks and the necessity of conserving these areas for all time. So firmly have you built the foundations of the National Park Service that it is now bound to move firmly onward along the lines of greatest service to the people. Not the least of your achievements was the ability of attracting to the service an unusually high type of men whose loyalty to their parks and to the chief who formulated its policies will insure its continued success.

The Secretary's letter in full is as follows:

MY DEAR MR. MATHER: It is with the keenest regret that I have received your resignation as Director of the National Park Service, tendered January 8. Since you ask it on the grounds of personal health considerations, I feel that I can not, in justice to you, decline to accept this resignation.

The Federal Government, and the American people as a whole, owe you a deep debt of gratitude for the many years of intensely patriotic, self-sacrificing, and constructive service you have rendered in furthering the cause of national parks and making these reservations readily available to all classes of our people.

Going back over your years of service I find that when you entered the Department of the Interior in January, 1915, there was no National Park Service and no coordinated administration of the national parks, these areas being administered as part of the miscellaneous work in the office of the Secretary. Largely through your personal efforts the establishment of the service was brought about and the work coordinated and put upon a practical, businesslike basis. Since that time seven new parks have been created, including the only eastern park so far established and the only ones in our Territories of Alaska and Hawaii. During the same time several existing parks have been enlarged to include important areas and their boundaries changed to make them capable of better administration. Even now two other Eastern park projects—the Great Smoky Mountains and Shenandoah—are pending, approved by Congress and the President, and it is only a matter of time before their actual establishment will be consummated. This achievement also should be listed as part of the work of your administration.

Especially noteworthy has been the manner in which you have brought about the installation of adequate public-utility facilities in the national parks through inducing private capital, without hope of immediate financial return upon their investments and in the face of grave hazards, to undertake this work. It was solely through your personal achievement and the confidence your integrity inspired that this result was made possible. Absolute confidence in your administration has been shown also by the Congress of the United States in appropriating larger sums each year for park work.

Under your splendid leadership the people of the Nation have been awakened to the beauties and possibilities of the national parks and the necessity of conserving these areas for all time. So firmly have you built the foundations of the National Park Service that it is now bound to move firmly onward along the lines of greatest service to the people. Not the least of your achievements was the ability of attracting to the service an unusually high type of men whose loyalty to their parks and to the chief who formulated its policies will insure its continued success.

Taken all in all, you have achieved results that I believe no other man could have accomplished in the early days of organization and administration during the trying period of the World War and its aftermath.

As Secretary of the Interior I am taking this opportunity, on behalf of the millions of Americans who enjoy the national parks each year, of assuring you of their grateful appreciation of the services you have rendered in developing and preserving these great national scenic areas.

With sentiments of highest esteem and heartiest good wishes for your speedy return to health, believe me,

Most sincerely yours,

ROY O. WEST, *Secretary*.

Announcement of his retirement has brought country-wide expression of deep regret, with universal commendation of his unusual public services.

The Evening Star, of Washington, said last night:

Not often is a country so fortunate as to possess at the head of one of its governmental branches an executive so wholeheartedly devoted to the interests thereof. This entire Nation has benefited by Mr. Mather's services.

The New York Herald-Tribune to-day:

* * * No friend of conservation has been a more stalwart upholder than Mr. Mather of the standard of excellence set for the National Park Service and of its freedom from commercial and industrial encroachment. The great tide of motor travel to these unique scenic reservations presented problems of access and facilities for recreation in keeping with park integrity. Mr. Mather's policy has guarded against excessive development in the manner of ordinary tourist grounds. Automobile roads are available, but they do not crisscross the parks. Wilderness areas are preserved. In the main, the National Park Service has kept alteration of primitive conditions to the minimum compatible with liberal public enjoyment of the national parks.

The New York Times of to-day, the Washington Post of yesterday have pronounced the retirement of Mr. Mather a great loss to the Nation, and many other publications have joined in paying tribute to his great accomplishments.

So ends the service of Stephen T. Mather as the first Director of the National Park Service. It is fortunate for the cause he has so ably and generously promoted, and it must be a matter of great satisfaction and comfort to him that the flag of leadership goes from his hands to those of one who has been beside him all these years and can be depended on to carry on without change of policy or program.

Nature lovers everywhere, regretting that Mr. Mather has felt obliged to retire, will commend the prompt and wise action of Secretary West in naming as the second Director of the National Park Service Horace M. Albright, for 15 years closely associated with Mr. Mather and for a number of years superintendent of Yellowstone National Park and field director of the service. Mr. Albright has the vision, the experience, the ability, and the personality to make a worthy successor of Stephen T. Mather.

The House will be glad to know that there is a gradual and encouraging improvement in Mr. Mather's condition and will all join in the hope that he may soon be up again and be spared to us yet for many years and permitted to aid in many ways by his advice and his generous leadership the preservation and enjoyment of nature's beauties and wonders. Freed of the routine that attaches to official position, he will, no doubt, accomplish much in his new rôle of private citizen as health comes back to him again.

In the Congress where, from time to time, we find it necessary to criticize the conduct of public officials it is well that we should also for a few moments stop in our work to pay tribute to this outstanding figure in the public service who has sacrificed his money, his health, his time, his opportunity for wealth, in order that he might promote that which will mean so much to the people of this country in the future. [Applause.]

I thank you.

The SPEAKER. The time of the gentleman from Michigan has expired.

AMENDMENT OF THE DEFICIENCY BILL

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I have asked for this time in order to direct the attention of the membership of the House to the possibility, if not the probability, of having to consider a material amendment to the deficiency bill which we passed some days ago in this House.

By referring to the RECORD this morning you will see where a bill has been reported by the Judiciary Committee of the Senate and it is proposed to offer this as an amendment to the so-called refund item in the deficiency bill. I want to suggest that you gentlemen get a copy of the hearings and a copy of the report and examine them. The hearings are not in the RECORD this morning, but the report of the Judiciary Committee of the Senate is in the RECORD, and I suggest that each of you get that because it has valuable information, even if you did not have to act on the proposed amendment.

I want to call the attention of the Committee on Appropriations to an error that they made in reporting the deficiency bill.

As you will recall, the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Indiana [Mr. WOOD] particularly stressed the point that the amount of taxes collected since 1921, compared with the amount of refund, was equal to 4 to 1, and they said this was a great accomplishment on the part of the Treasury. They secured this information from Assistant Secretary of the Treasury, Mr. Bond, who appeared before the Appropriations Committee and gave them this data. You will observe from the morning paper and you will also observe from the CONGRESSIONAL RECORD, the Senate proceedings on the reporting of this bill, a letter sent to Senator McKELLAR, in which this proportion of 4 to 1 has been changed to the extent of 4 to 2½.

I said to this House at the time we were discussing the deficiency bill that, in my judgment, if we had the facts before the House they would show that not only \$1,000,000,000 had been refunded, but that at least that amount had been given in credits and abatements.

I find this letter of the Treasury Department to Senator McKELLAR reveals the fact that not only has the Treasury Department since 1923—not 1921—refunded \$1,000,000,000, but has given credits and abatements that the people knew nothing on earth about, amounting to \$1,611,000,000.

I said then that this was astounding, that it was shocking, to think that the Treasury Department had refunded in five years \$2,600,000,000. Why, do you know how much money this is? If you had an employee down here at the Treasury Department counting that money at the rate of \$1 a second, it would take him 250 years. In other words, it would take six generations, working eight hours per day, to count the money that Mr. Mellon has returned to the taxpayers since he has been in office.

There is another thing, gentlemen. As compared with the amount of money, you will note particularly that the Treasury Department reports to the Congress under compulsion of the law all refunds in excess of \$500 and to the joint committee refunds in excess of \$75,000. When Mr. Bond wrote Senator McKELLAR this letter he declined to give him the names of those who had received rebates and credits. No law prohibits him from giving these names. There is no law on the statute books that prohibits the Secretary of the Treasury from giving the names any more than the amount, but the Secretary of the Treasury declines to let the public know to whom he has given these secret rebates and credits to the extent of \$1,600,000,000 in five years.

I say now, as I said before, that this Congress has given Secretary Mellon unlimited confidence to the extent of giving him unlimited power to settle these cases, and yet when we come and ask him how he has exercised this power which we placed in his hands he says, "I have not that confidence in you, although you have expressed it in me. I can not let you look in. I decline to give you the information." We have a joint committee. By the way, I have heard some attack the joint committee employees. They are all right. The result of this information is from the activity of the clerks of the joint committee and not the joint committee itself. The employees of the joint committee have functioned well. They are able men; they are doing their duty; they are willing to tell the truth and the whole truth. But that joint committee will not function. You can not get a meeting of the committee. The clerk of that committee wrote Mr. HAWLEY a letter, a copy of which I have on my desk, suggesting that he call a meeting of that committee, but no meeting has been called. His duty is to examine them, and he made the suggestion to the joint com-

mittee to have a meeting. But you could not get the committee to meet. The committee has the power. Yes; but the committee does not exercise it. What is the use of giving it power unless it exercises the power?

It was the intention of Congress when this committee was created that it would function, that it would look into the Treasury's activities and report back to Congress whether the laws were properly administered. It has not done it.

The only way we can do it is to make an unequivocal statute, and that is what the Senate proposes to do, requiring them to send it to the Board of Tax Appeals and get their sanction before it is approved.

Now I notify you that when you come back with the bill from the Senate and it has that amendment in it, you need not ask to take it to conference by unanimous consent, for you will not get it. You will either let us vote on that amendment or bring in a rule or go back to the committee under the regular rule; because if the amendment is placed in the bill in the Senate, you will go on record on this proposed statute by which we can examine these stupendous refunds by the Treasury Department. [Applause.]

WALTER D. LOVELL

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5944, for the relief of Walter D. Lovell, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 5944, and agree to the Senate amendments. Is there objection?

There was no objection.

The Senate amendments were read and agreed to.

DEFINING CHILD AND CHILDREN IN THE ACTS OF MAY 18, 1920 AND JUNE 10, 1922

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12449, to define the terms child and children as used in the acts of May 18, 1920, and June 10, 1922, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 12449, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. MORIN, Mr. JAMES, and Mr. McSWAIN.

INCOME REFUND

Mr. BEGG. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker and gentlemen of the House, I am interested in the speech of the gentleman from Texas [Mr. GARNER], the distinguished minority leader of the Ways and Means Committee, a speech that I would call insinuations regarding tax refunds made by the Secretary of the Treasury.

Now, I also want to ask the House to read his speech carefully to-morrow. He has not in all his speech, unless I misunderstood it, made a single positive statement as to a refund made in any other manner than according to the law which was passed by this body, and I think the RECORD will show that the gentleman from Texas himself did not oppose the law.

I do not think it quite the thing to do to make a speech insinuating that the man in business, let him be big or little, has been able to mulct the Government of the United States out of some money unlawfully through the Secretary of the Treasury. I know a giant concern in this country which was given credit for a million and a half dollars, in round numbers, in the past year, but it was in settlement of a case pending since 1918, and that same concern went through every single agency created by this body and won its case in every agency. Is there anything wrong in rebating what we lawfully provide for in overpayment of taxes collected?

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. GARNER of Texas. The gentleman's information, if I understand it, is that this concern got it through the Board of Tax Appeals, through the courts?

Mr. BEGG. No; they did not get it there. They went through every agency, and then the collector, the head of the revenue, Mr. Blair, was not in a position to say that the Government would accept or reject for a long period of time, but

finally decided in favor of the claimant, and refunded the claimant a million and a half dollars.

Mr. GARNER of Texas. The courts or the Treasury Department?

Mr. BEGG. Let me ask the gentleman from Texas a question.

Mr. GARNER of Texas. But the gentleman does not answer my question.

Mr. BEGG. Is the gentleman in favor of the Government of the United States taking money from a big taxpayer or a little one, for that matter, to which the Government is not rightfully entitled?

Mr. GARNER of Texas. Certainly not.

Mr. BEGG. In his speech, does the gentleman insinuate that the Secretary of the Treasury has wrongfully settled a single case in the whole history of the Government?

Mr. GARNER of Texas. I will be glad to answer that if the gentleman will let me.

Mr. BEGG. Yes; answer it yes or no, not in a long speech.

Mr. GARNER of Texas. I say this, that with the stupendous amounts being refunded, the Secretary of the Treasury ought to welcome examination by this House as to whether he is settling them rightfully or wrongfully. [Applause on the Democratic side.]

Mr. BEGG. The Secretary of the Treasury is not concealing any of the facts.

Mr. GARNER of Texas. He does not give anybody any facts.

Mr. BEGG. He gives everybody the facts to which he is entitled, and the gentlemen on the committee can go down to the Secretary of the Treasury—and I have no authority to speak for him—and I know that they can get every bit of information that I can get, and a little more. I have never sought any information on refunds or on taxes due that I was denied.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. GARNER of Texas. Then I make the request through the gentleman now for the names of the people who have gotten credits and rebates in the last few years.

Mr. BEGG. What right has the gentleman to the names any more than to the amount and the time.

Mr. GARNER of Texas. I have not any more, but he gives the amounts of the rebates, but not the names.

Mr. BEGG. But we ourselves passed a law denying that as public property.

Mr. GARNER of Texas. Oh, where is the law?

Mr. BEGG. We repealed the law making it public property, which is the same thing. I think it is not for the best interests of the country at large to make a speech insinuating and by innuendo leaving the interpretation that the Secretary of the Treasury, because he has refunded \$2,600,000,000, has done something which is not right. To me we ought to refund \$2,600,000,000 or \$10,000,000,000 if it does not rightfully belong to the Government of the United States. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

Mr. BARBOUR. Mr. Chairman, it is our purpose, if possible, to finish the consideration of this bill by 2 o'clock. The bill was reported to the House on January 3, and off and on has been under consideration during all of the time since then. We have been quite liberal in allowing time for discussion and debate, and I hope all will cooperate and close the discussion and consideration of the bill by 2 o'clock.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MUSCLE SHOALS

For operating, maintaining, and keeping in repair the works at Dam No. 2, Tennessee River, including the hydroelectrical development, \$270,000, to remain available until June 30, 1930, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

Mr. ALMON. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object—and I shall not object—I think it is fair to announce that the rule will be adhered to for the remainder of the discussion of this bill, owing to the program for the day.

The CHAIRMAN. The Chair hears no objection; and the gentleman from Alabama is recognized for 10 minutes.

Mr. ALMON. Mr. Chairman, I do not oppose the item in the Army appropriation bill which has just been read appropriating \$270,000 for operation and maintaining Dam No. 2 for the next fiscal year, but I take this occasion to call the attention of the House and the country to the situation at Muscle Shoals with the view of showing the very great importance of the enactment of legislation at this session providing for the operation of the nitrate plant at Muscle Shoals for the manufacture of fertilizer for the relief of the overburdened and distressed farmers of the country. This plant has remained idle, in a stand-by condition, since the war ended. The hydroelectric plant has been operated in part for the past two or three years. During this time the Government has sold to the Alabama Power Co. such an amount of power as it desired at about 2 mills per kilowatt-hour under a contract revocable at the will of either party on 30 days' notice. During the year 1928 the United States district engineer, by authority from the Chief of Engineers, furnished the Florence Daily Times-News, published at Florence, Ala., daily reports showing the amount of available power, the amount sold to the power company, and the amount of wasted power. These amounts have been compiled and I ask unanimous consent to insert in the RECORD a tabulation, by months, as follows.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert the statement indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

[From the Florence Times-News, Florence, Ala., Wednesday, January 2, 1929]

TREMENDOUS LOSSES AT WILSON DAM FOR 1928 SHOWN BY GOVERNMENT FIGURES ON POWER SOLD AND WASTED

Complations for the year 1928, just closed, assembled from official Government figures at Wilson Dam, reveal that during the 12 months there was a total waste of 1,579,788,041 kilowatt-hours of power, while for the year there was sold to the Alabama Power Co., under the arrangement the Government now has with this company, only 217,115,687 kilowatt-hours, out of a total estimated available for the year of 1,796,903,728 kilowatt-hours. These figures, compiled by the Times-News from the figures now furnished it each day by the Government authorities at Wilson Dam reveal that in 1928 the Alabama Power Co. took only a little over 12 per cent of the total estimated available power.

By figuring the amounts of power taken by the Alabama Power Co. each month in 1928 and the official amounts paid by the company for the first 11 months of the year—the figures for December not being available on amount paid—the approximate average of \$0.002115 per kilowatt-hour is reached as the price the Alabama Power Co. pays for the gross power it takes from the Government. Using this figure as a basis, the Times-News thus secures for the year 1928 \$3,341,251.70 as the value of the waste power, even at this ridiculously low price.

In connection with to-day's compilations for the year 1928, the following complete table is given, showing the totals for each month of 1928:

Month	Available power	Kilowatt-hours sold at \$0.002115	Amount received by United States Government	Wasted power, kilowatt-hours	Amount lost, computed at \$0.002115 per kilowatt-hour
January	159,960,000	48,185,765	\$104,533.78	111,774,235	\$236,402.51
February	149,640,000	52,508,765	111,673.13	97,131,235	205,432.56
March	158,242,128	37,654,510	80,448.42	120,587,618	255,042.81
April	154,800,000	17,493,090	36,830.75	137,306,910	290,404.11
May	159,960,000	3,110,275	6,220.55	156,849,725	331,737.17
June	154,800,000	2,816,415	5,632.83	151,983,585	321,445.28
July	159,960,000	2,836,867	5,673.73	157,123,133	332,315.43
August	152,241,900	14,399,000	28,699.94	137,842,900	291,537.73
September	146,417,300	7,291,000	14,478.21	139,126,300	294,252.55
October	136,625,100	8,409,000	16,810.00	128,216,100	269,602.51
November	120,455,200	7,445,000	13,690.00	122,010,200	258,051.57
December	139,801,900	14,960,000	31,642.00	124,788,900	264,027.92
Grand total	1,796,903,728	217,115,687	456,157.47	1,579,788,041	3,341,251.70

NOTE.—December amount received by Government estimated at \$0.002115 per kilowatt.

The distressing part of this is not the two or three million dollars' worth of power that has been running to waste, but the many millions of dollars that would have been saved the farmers in the reduced price of fertilizer had it been used in the operation of the fertilizer plant, as was intended when the power plant was built.

When this item of the expense for the operation of this plant for the next fiscal year was being considered by the Appropriations Committee the representatives of the Engineer Department were asked why more of the power was not sold. The essence of their testimony was to the effect that they could make a more profitable lease of the power if they had the authority from Congress to do so. Congress has refused to give such authority, for a very good reason, at least as far as the House is concerned. The majority of the Members of the House has insisted, and I believe still do, that no lease of the power at Muscle Shoals shall be made without a provision in the lease that will guarantee the operation of the nitrate plant No. 2 for the production of fertilizer. President Coolidge in his various messages has insisted that any lease of the Government's Muscle Shoals property should provide primarily for the production of fertilizer in peace times. When application was presented to him recently for the purchase of this power for a period of five years without any provision for the operation of the fertilizer plant he declined to give it his approval and again said that he was opposed to a sale of the power for a number of years unless at the same time provision was made for the operation of the nitrate plant for the manufacture of fertilizer.

Mr. JAMES. Nobody except Congress has a right to lease for two, three, or five years.

Mr. ALMON. The Secretary of War, Mr. Weeks, sold the Gorgas steam plant, which cost the Government about \$5,000,000, being a part of the Muscle Shoals development, to the power company without authority from Congress.

Mr. JAMES. But the Judge Advocate General did not concur.

Mr. ALMON. This position of President Coolidge is eminently right and sound, because the nitrate plant and the hydroelectric plant at Muscle Shoals constitute one plant or unit. The hydroelectric plant was constructed to create power to operate the nitrate plant.

Congress authorized and directed this development for two fundamental purposes, viz, to make explosives in times of war and fertilizer in peace times. If the power is disposed of and the plant remains idle in a stand-by condition, as it has since the war ended, the nitrate plant would rust out and become obsolete and of no value for national-defense purposes in the event of war.

All nations learned one very valuable lesson as a result of the World War. That is, that no nation of any standing or respectability can afford to depend upon a foreign market for a supply of nitrogen for explosives in time of war. Germany had the foresight and wisdom before the beginning of the war to prepare, and built great nitrogen plants, and if she had not done so, when her supply of Chilean nitrates was cut off she would have been helpless and could not have prosecuted the war. If the German submarines had destroyed the Panama Canal and cut off our supply of nitrogen from Chile, we would have been helpless to have prosecuted the war had it not been for the erection of the nitrogen plant at Muscle Shoals.

We can only preserve our nitrogen plant at Muscle Shoals for national-defense purposes by operating it in peace times for the manufacture of fertilizer, thereby keeping it in an up-to-date running condition for the manufacture of explosives in the event of war. But this would not be all.

The farmers of the country would be denied the benefits which have been promised them and which they have the right to expect in securing better and cheaper fertilizer. Fertilizer can be made at Muscle Shoals at about one-half or not more than two-thirds the prevailing prices. This has been proved before the committees of Congress and can not be successfully denied. It can be produced there in a concentrated form containing as much as 50 per cent plant food, which would be a saving of millions of dollars to the American farmers in transportation charges. Nitrates can be produced at the Muscle Shoals plant for approximately 5 cents per pound, while nitrates in the form of Chilean nitrate cost about 20 cents per pound.

Much propaganda has been sent out in recent years for the purpose of trying to show that the cyanamide process for the fixation of atmospheric nitrogen at the Muscle Shoals plant is obsolete. This was done by interests that desired to see Muscle Shoals converted into a hydroelectric-power development and prevent the operation of the nitrate plant for the manufacture of fertilizer.

No process is obsolete that is being successfully used and on a large scale. The American Cyanamid Co. built Muscle

Shoals plant for the Government, owns the patent for the process, and has submitted to Congress an offer to the lease of the entire Muscle Shoals development for 50 years, and is and has been since 1909 successfully operating a plant of this kind with this process at Niagara Falls, Canada.

There are many plants in Germany and other European countries using this cyanamide process successfully, and some such plants have been erected in recent years.

Where there is cheap power and all the raw materials in close proximity and in inexhaustible quantities as exists at Muscle Shoals, I am of the opinion, after making extensive investigation and visiting the cyanamide plant at Niagara Falls, Canada, that the cyanamide process is the best. Much has been said about the advantages of the synthetic process over the cyanamide process, but the fact remains that there is no synthetic plant in the United States that is providing nitrogen for fertilizer purposes, so we must look to the Muscle Shoals plant for cheaper nitrogen for fertilizer purposes.

To allow this great investment by the Government at Muscle Shoals to remain idle when it could be of such great service to the people would be little less than a public calamity. [Applause.]

Germany and other European countries have been utilizing their nitrogen plants since the war in providing fertilizer for the benefit of their farmers and have been so successful that Germany, for instance, no longer imports nitrogen from Chile but has become a large exporter of nitrogen and fertilizer, some of which is being imported into the United States. What Germany has done in this respect can be and should have been done long ago with the Government's plant at Muscle Shoals.

During the first session of this Congress the American Cyanamid Co. submitted to the Congress an offer to lease Muscle Shoals for a term of 50 years, which provided for the operation of the nitrate plant for the manufacture of a highly concentrated fertilizer, and providing for the construction of Dam No. 3 on the Tennessee River about 15 miles above Muscle Shoals, and the Cove Creek Dam located on the Clinch River in east Tennessee, a tributary of the Tennessee River.

Mr. Madden, of Illinois, introduced a bill providing for the acceptance of this offer. His bill was referred to the Military Affairs Committee of the House. This committee held extensive hearings and I am informed that the committee finally approved of every feature of the bill except what is known as the recapture clause.

This question has been before Congress so long and being of such very great national importance, would it not be proper and aid in the settlement for the committee to report the bill to the House, each member of the committee, if he desired, reserving the right to offer amendments and oppose the passage of the bill.

The result of such action on the part of the committee would give the House an opportunity to consider the bill in every aspect. In this way the controverted parts of the bill might be ironed out and a bill in the interest of the Government and agriculture as well worked out and passed. Such a proceeding on the part of the committee would not be without precedent.

I have made these remarks with the view of showing the importance of legislation on this subject without further delay. I urge upon the leaders of the majority who decide what bills shall be considered during the remainder of this session of Congress to take steps to have the Madden bill brought before the House for consideration, which I trust they will do. [Applause.]

We hear much these days about farm-relief legislation. This proposed legislation is real farm relief. I do not know of any thing that the farmers are in greater need of and which will be more helpful to them than to be able to secure a good grade of fertilizer at a reasonable price. That, in my opinion, would be the result of a settlement of the Muscle Shoals question in the right way. In the event this is not done at this session I sincerely hope that the new President, Mr. Hoover, will include in the legislative program of the extra session Muscle Shoals legislation. It is just as important to the farmers as any farm-relief legislation that will be considered at that session. [Applause.]

Mr. HILL of Alabama. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HILL of Alabama. Mr. Chairman, my colleague from Alabama Judge ALMON, who is always vigorous and alert in all matters pertaining to Muscle Shoals, has just called your attention to a chart based on figures prepared by the Army engineers, which shows that during the year 1928 the Government of the United States sustained a loss of \$3,341,251.70 at Muscle Shoals. I have here a statement which shows that prior to last

year, up to June 30, 1927, the Government sustained a loss of \$7,379,008 at Muscle Shoals; and, Mr. Chairman, I ask unanimous consent to insert this statement and the accompanying figures in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert in the RECORD the matter indicated. Is there objection?

There was no objection.

Following is the statement referred to:

Financial losses to the Government at Muscle Shoals to June 30, 1927

All we have to show for the past nine years of delay is a series of losses and unproductive expenses, which, omitting depreciation on our properties, total as follows:

EXPENSE AND LOSS	
Dam No. 2:	
Maintenance due to cessation of work ¹ -----	\$359,593
Construction loss due to failure of appropriations ² -----	5,000,000
Operation, maintenance, and repair to June 30, 1927 ³ -----	283,447
	<hr/> \$5,643,040
Nitrate plant No. 1:	
Cost of unsuccessful experimentation and maintenance expense to June 30, 1927 ⁴ -----	984,303
Nitrate plant No. 2:	
Operating and maintenance expense to June 30, 1927 ⁴ -----	4,092,086
Total maintenance, loss, and unproductive expense, omitting depreciation on nitrate plant No. 2-----	<hr/> 10,719,429
REVENUE	
From lease of steam-power plant, rentals of employees' houses, etc. ⁵ -----	1,885,871
From sale of Muscle Shoals power to June 30, 1927, available for payment of operation expenses ⁵ -----	1,454,550
Total income-----	<hr/> 3,340,421
Net loss to June 30, 1927-----	<hr/> 7,379,008

Experimentation: Our experience account in nitrogen fixation experimentation during and since the war amounts to \$14,000,000, the cost of nitrate plant No. 1, an experimental plant, and \$2,000,000 for our fixed-nitrogen research laboratory, making a total for experimentation alone of \$16,000,000.

Mr. HILL of Alabama. Mr. Chairman, these statements show a total of nearly \$11,000,000 which the Government of the United States has lost at Muscle Shoals since the World War. For what purpose, for what reason have we sustained this loss of nearly \$11,000,000? A few years ago the National Fertilizer Association told Congress and the country that the great nitrate plant at Muscle Shoals was obsolete, and so we have sustained this loss of some \$11,000,000 to protect our farmers from that obsolete plant. In Canada, at Niagara Falls, the American Cyanamid Co. has a great nitrate plant. This plant at Niagara Falls was built by the American Cyanamid Co. just as the Government's plant at Muscle Shoals was built by the American Cyanamid Co. Both of these plants use the same method. Both are fundamentally the same and, of course, both of them are obsolete.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. HILL of Alabama. Not right at this minute. I will later. On January 1, 1926, the plant of the American Cyanamid Co. at Niagara Falls, in Canada, had an annual capacity of 120,000 tons of cyanamide. In May of this year that plant will have an annual capacity at the rate of 355,000 tons of cyanamide, a great part of which will be shipped into this country for our farmers. Three hundred and fifty-five thousand tons of cyanamide contains 81,650 tons of pure nitrogen and is more nitrogen than was contained in the Chilean nitrate used by agriculture in this country in 1927, and is approximately 60 per cent more than the annual capacity of the Government's great plant at Muscle Shoals. If the Government has sustained the loss of some \$11,000,000 to protect our American farmers from the obsolete plant at Muscle Shoals, I suggest to you gentlemen that what the Committee on Ways and Means should do, particularly in view of the fact that it is now writing a new tariff bill, is to put a tariff high enough to protect our farmers from the obsolete plant in Canada. Since we have spent so many millions of dollars to protect our farmers from the obsolete plant at Muscle Shoals, why not also protect our farmers against the obsolete plant in Canada, particularly when we consider the fact that a great part of the cyanamide made by the plant

in Canada is sent to an ammonium phosphate plant at Warners, N. J., and there converted into ammonium phosphate. On January 1, 1926, the plant at Warners, N. J., had an annual capacity of some 30,000 tons of ammonium phosphate. By May of this year that plant will have an annual capacity at the rate of 250,000 tons of ammonium phosphate. Gentlemen will recall that ammonium phosphate is a very high-grade fertilizer containing 61 per cent plant food. Surely in view of the protection we have given our farmers from the plant at Muscle Shoals we should also protect them from the Warners, N. J., ammonium phosphate plant when we consider the following statement of the Secretary of Agriculture to be found on page 80 of his 1928 report. The statement is as follows:

Another important branch of the department's fertilizer studies indicates the economy of concentrated fertilizer mixtures. Fertilizers should be marketed in a high state of concentration. Four or five years ago commercial fertilizer mixtures seldom contained more than 15 per cent plant food. Sale of such mixtures entailed the sacking, transportation, and handling of 85 per cent of materials from which the farmer obtained little, if any, benefit. The freight bill paid annually by the American farmer for the delivery of the 7,000,000 tons of fertilizer which he purchases amounts to approximately \$20,000,000. If the concentration of fertilizers should be increased twofold, the freight bill would be cut in two, and the annual bill of \$12,000,000 paid for sacks would likewise be halved.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HILL of Alabama. May I have five minutes more?

Mr. BARBOUR. Mr. Chairman, I shall have to object.

Mr. HILL of Alabama. Will the gentleman permit me to have two additional minutes?

Mr. BARBOUR. We must read the bill.

Mr. HILL of Alabama. Let me say to the gentleman that this is the first time that I have asked for any time on the floor this year.

Mr. BARBOUR. I have no objection to the gentleman having two additional minutes, but we must read this bill if we are to finish it.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for two additional minutes.

Mr. HILL of Alabama. Gentlemen of the committee, I am sorry I can not finish my statement. Of course, what I have said to you about these obsolete plants was in levity. If our plant at Muscle Shoals is obsolete, the great plant at Niagara Falls and many of the great plants in Germany and Europe are also obsolete. In all earnestness and in all seriousness let me say to you that what this House ought to do is to pass the Madden bill, which provides for the production of ammonium phosphate, and which, according to the testimony before the Military Affairs Committee, of which I have the honor to be a member, should cut the cost of the American farmers' fertilizer in half. This House should pass that bill for the benefit of the farmers and for the welfare of the whole country. I have here a calendar of the House, and I notice that by special order the House has set February 10 for services on the life, character, and public services of the late Hon. Martin B. Madden. Those services, of course, will be most proper and fitting, but, after all, they will be mere words, mere passing speech. I submit to you, gentlemen, that the most fitting tribute that this House could pay to Martin B. Madden would be to take the Madden bill up for consideration on this floor and then rise and pass it by a standing vote. That would, indeed, be a lasting tribute to the statesman and the citizen, Martin B. Madden.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

The pro forma amendment was withdrawn.

Mr. WAINWRIGHT. Mr. Chairman, I move to strike out the last word of the paragraph. I do so for the purpose of asking the gentleman from Alabama whether he means that the Madden bill should be passed as introduced or that the Madden bill should be passed with the amendment which was proposed by the subcommittee of the Military Affairs Committee and submitted to the proponents of that bill, but which they would not accept?

Mr. HILL of Alabama. Let me say to the gentleman that I am willing to leave that to the judgment of the House. What I am most interested in is to see the bill come here and get consideration and action by the House, for I have no doubt it would be passed by the House.

Mr. WAINWRIGHT. In other words, whether we should pass that bill without the recapture clause or with the recapture clause that was proposed by the committee.

Mr. HILL of Alabama. Let the House determine that, I will say to the gentleman from New York.

The pro forma amendment was withdrawn.

¹ Chief of Engineers' Report, 1923 (p. 1209).

² Testimony of Gen. Harry Taylor, in charge of construction of Wilson Dam, in hearings on Muscle Shoals, Senate Committee on Agriculture, 1924 (p. 1341).

³ Chief of Engineers' reports.

⁴ Hearings on Muscle Shoals, House Committee on Military Affairs, 1922 (pp. 21-22).

⁵ Records of Ordnance Division, War Department.

The Clerk read as follows:

FLOOD CONTROL

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the flood control act, approved May 15, 1928 (45 Stat. p. 534), \$30,000,000.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman of the subcommittee for a moment. I will say to the chairman of the subcommittee that I am seeking a little information and an interpretation of this appropriation and the one on the page preceding pertaining to rivers and harbors. I note that the one for rivers and harbors contains \$50,000,000 and this \$30,000,000. I remember that last year, when we made the appropriation for rivers and harbors, we had an allocation report which the engineers' department had made for us showing the amounts of money to be expended on each of the rivers on which we had ordered surveys. With respect to that I am seeking information as to whether or not there is in this appropriation for rivers and harbors an allocation for carrying on the work on the rivers on which we have ordered surveys as was the case last year?

Mr. BARBOUR. On the surveys?

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. On page 108 of the hearings, Part II, Non-military Activities, all of the allocations are set out.

Mr. HOWARD of Oklahoma. I thank the gentleman for that information. The appropriation for flood control is \$30,000,000.

Mr. BARBOUR. Yes.

Mr. HOWARD of Oklahoma. I call attention to the fact that section 10 of the flood control bill allocated \$5,000,000 of the total appropriations for making flood surveys on certain tributaries of the Mississippi. I want to get the interpretation of the committee and the chairman as to whether or not there are funds available in this \$30,000,000 to carry on those surveys.

Mr. BARBOUR. That was so testified before the committee, and further it was stated to the committee that this work is being prosecuted as diligently as is possible.

Mr. HOWARD of Oklahoma. Then, Mr. Chairman, before I withdraw the pro forma amendment I want to call attention to the fact that yesterday we took a very important step when we passed the inland waterways bill. Some of us are hoping that through this great work other inland waterways will be established which will be of great benefit to the people of this Nation, including in this work the Arkansas River in Oklahoma and Arkansas, and my purpose in rising was to make sure that after this measure had passed there could not be any misinterpretation that would in any way delay this great work.

Mr. BARBOUR. I understand that there are ample funds in the bill to carry on this work and the other work of the Board of Army Engineers.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For maintenance and operation of the Panama Canal; salary of the governor, \$10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916 (U. S. C., p. 81, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; in all, \$8,000,000, including \$1,000,000 for continuing the construction of a dam across the Chagres River at Alhajuela for the storage of water for use in the maintenance and operation of the Panama Canal, together with a hydroelectric plant, roadways, and such other work as in the judgment of the Governor of the Panama Canal may be necessary, to cost in the aggregate not to exceed \$12,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal act;

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: On page 88, line 17, following the semicolon, insert a new paragraph, as follows:

"That in recognition of the exceptionally distinguished services in Congress for nearly 24 years of Martin B. Madden, the late chairman of the Committee on Appropriations, and in appreciation of his active and efficient interest in the Panama Canal throughout its entire construction and operation, and in recently causing the commencement of the construction of said dam across the Chagres River at or near Alhajuela,

the said dam and the lake created thereby and the entire plant and the road leading thereto shall hereafter be known and designated on the public records as the Madden Dam, Lake, Plant, and Road."

Mr. TAYLOR of Colorado. Mr. Chairman and ladies and gentlemen of the House, I realize fully that this amendment is subject to a point of order if anyone saw fit to make it, but I can not believe there is one Member of this entire House who will not gladly join in paying this preeminently just and so richly deserved tribute to our former chairman of this Appropriations Committee. For 30 years the Panama Canal was one of the greatest, if not the greatest, of the life works of Martin B. Madden. I understand that in 1896 he wrote the plank in the Republican national platform which definitely committed the McKinley administration to the construction of a canal across the Isthmus at either Nicaragua or Panama; and from that day to his death he gave the best and most earnest work possible to the efficient construction and practical operation of that canal. For 30 years he said that "canal should be built, owned, and operated by the United States"; and he gave more skill, attention, and time to it during all that time than any other Member of this House. He had a natural aptitude for engineering and construction work.

He was instinctively a builder and financier and he always took pride in this gigantic work. A very few of the older Members will remember that in the early days of the work he made many trips to the Canal Zone and spent the days going through the swamps and jungle personally examining the conditions and slept on a ship out in the harbor. There is not a Member of Congress alive to-day who made those investigation trips with him. In recent years, as he watched the rapidly growing business and importance of the canal, he clearly foresaw the necessity of increasing the amount of water available for the use of those locks and he commenced investigating the practicability of building a large dam up on the Chagres River to impound the terrific floods of that stream for use of the locks during the dry season. He brought about that engineering survey and investigation and the location of the dam and the authorization by Congress of the construction of the dam. He was the originator and creator of this monumental engineering enterprise for which we, his colleagues on this committee, are to-day appropriating this money. He is entitled to all this and much more credit than I am able to give him in this limited time. No one can ever deny his authorship.

He is the father of this dam. It will be one of the most important dams in the world to the commerce of every nation on earth. It will enormously enhance the value and the volume of business of the Panama Canal. It will furnish sufficient water so that these marvelous locks may operate 24 hours a day and 365 days in every year, as they have got to do; and Martin B. Madden is the one who conceived and brought about this great plan. To properly appreciate what this service means to our country and to the world, both in business and convenience to the ocean-traveling public and to commerce, both in time of peace and much more in time of war, the Members and the public should study necessity and the dimensions of this dam and the quantity of water it will conserve that is now running to waste. I investigated this matter when I visited the Canal Zone a year ago, and became so profoundly impressed with the great service to humanity of our colleague in this matter that soon after my return I introduced House Joint Resolution No. 250 on March 26, 1928, in the language of the amendment I have just offered. I know the membership of this House would have been more than delighted to have passed that resolution during his lifetime. But we knew he was always opposed to naming anything after a living person, and for that reason I did not press the consideration of the resolution. But alas, how soon after that was that objection of his overruled.

My thought is that instead of passing that resolution it would now be more appropriate and fitting for this committee, his committee, to insert this provision in this Army appropriation bill dealing with that canal and that dam. I feel very strongly that this action would be the highest honor that the American Congress could pay to our late honored and beloved chairman. It would be the most suitable monument that could ever be erected to his memory and to his life work. It would be a permanent governmental memorial and tribute to his great service to his country as long as the Isthmus of Panama is inhabited by human beings. It would perpetuate forever his great life work for the success of the Panama Canal. I know our action would be very highly appreciated by the splendid woman who was his life's companion, and his estimable daughter and son-in-law, and by every Member of Congress and his many thousands of friends. The word "Alhajuela" has no meaning or special signification

whatever, while there is every reason that this great dam should bear the name of its creator. Martin B. Madden was an honor to Congress and to our country and a benefactor to the human race. Having served with him nearly 20 years in Congress and 8 years with him on this Appropriations Committee, I know that by the creation of this memorial to our distinguished colleague and departed friend Congress will honor itself and our country, and our act will be a perpetual inspiration to the youth of America as long as the Stars and Stripes float over our Nation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. TAYLOR].

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. LA GUARDIA. Mr. Chairman, I ask unanimous consent that the action of the committee on January 4, 1929, relating to the change in reference to the Code of Laws throughout the bill be vacated, so that the citation will remain in the bill as originally reported.

Mr. BARBOUR. That will include unanimous consent that I obtained that all the other citations be made in accordance with that change of reference.

Mr. LA GUARDIA. Yes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the action of the committee in changing the reference to the Code of Laws in the bill and the unanimous consent given to the gentleman from California in connection therewith be vacated. Is there objection?

There was no objection.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15712, the Army appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. BARBOUR. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BARBOUR, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

APPOINTMENT OF ADDITIONAL JUDGES

Mr. SNELL. Mr. Speaker, I call up a privileged report from the Committee on Rules, House Resolution 273.

The Clerk read the resolution, as follows:

House Resolution 273

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of each of the following bills, to be called up in the following order:

H. R. 9200, to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

H. R. 14659, to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

S. 1976, to provide for the appointment of an additional circuit judge for the second judicial circuit.

S. 1275, to provide for an additional judge for the southern district of Florida.

That after general debate on each bill, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, each bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of each bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on

each bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the rule under consideration is practically the same rule that is presented for the consideration of all bills except that this provides for four separate measures to be presented by the Judiciary Committee and gives the order in which they shall be called up in the House. Each one when called up is to be considered under the general rules of the House. The reason why we have more New York judges in these bills is this: Practically all the bills that have been presented for creating additional judges when properly sponsored by the Judiciary Committee and the council of judges have gone through by unanimous consent. But for one reason or another the New York bills have been held up for the last four years, and I think it is time that they should be considered by the House, and I do not propose to take any more chances by the unanimous-consent route.

I do not know of any stronger statement that I can make in setting forth the necessity for the appointment of these judges than to read to you a part of the report of the council of judges held in Washington, September 28, last year.

As Members will recall at the time we passed the omnibus judges' bill in 1922, creating 20 or 21 Federal judges, there was some criticism and a little doubt on the part of some as to whether we should create as many new judges as was carried in that bill. I was one of those Members that led to providing for a council of judges, comprised of the senior circuit judges of the nine Federal judicial districts of the United States, which should come together each year in the city of Washington as a council and should be presided over by the Chief Justice of the United States. That council has gone over very carefully the work in the several judicial districts and made recommendations to Congress relative to the condition of the work in the several districts and also the need of certain additional judges.

The report says, in part:

Each circuit judge produced a report from the senior district judge of his circuit, with the statistics and an explanation of the condition of each district in his circuit, and much of the conference was taken up in considering the progressive changes in the reduction of dead cases and in the normal growth of business.

Speaking generally, it was clear to the conference that the condition of business in all the courts was satisfactory and showed that there were enough judges to do the business, and that the business would all be done, except that in the second circuit, the two districts, which are the southern and eastern districts of New York, including New York and Brooklyn, are in a hopeless situation, and can not be bettered unless at least three district judges are permanently added to the southern district of New York and two in the eastern district of New York. This deficiency has been brought to the attention of Congress for several years and the present need is greater than ever. It is respectfully urged that there may be no further delay in the creation of these five new district judgeships.

In addition to the New York district judges, only one more seems to be required, and that is for the southern district of Florida. In this very extended district it is proposed that there should be district judges enough so that there may be one sitting at Jacksonville, another at Tampa, and a third at Miami.

I think that is the main part of the report in connection with the need of these judges. They go on to say that during the past year, up to September 28 of last year, there were 15 judges called in from various parts of the country to help out the New York situation.

As the Members here know who are lawyers, the Federal procedure follows the State procedure in each one of the States, and there are nearly as many different kinds of State procedures as there are different States in the Union. When you bring in an outside judge he is not familiar with the situation that exists in New York, and it is equally hard for him as well as for the litigants themselves. It is very unsatisfactory, especially considering the large number of cases that deal with admiralty. Very few of the judges brought in from the central part of the United States are at all familiar with that kind of law or would know how to handle those cases. As a result the admiralty cases are piling up year by year.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. COLLINS. What about the additional judge for Mississippi?

Mr. SNELL. At the time we reported out this rule there was no bill on the calendar providing for an additional judge for Mississippi, and up to the present time an additional judge for the State of Mississippi has not been recommended by the

council of circuit judges. While that is not an all-prevailing argument, nevertheless it was important enough to have their recommendation so that the Congress itself, when it passed the omnibus judges' bill, created this council of judges for the special purpose of keeping in close touch with the Federal courts and the work in each, and also to report to Congress not only the conditions but the need of additional judges.

Mr. COLLINS. Does the gentleman know the action of the the Judiciary Committee upon the question of the additional judge for Mississippi?

Mr. SNELL. Yes; I am familiar with the action of the Committee on the Judiciary; but, as I said before, at the time this rule was reported out that bill was not on the calendar; and I have been unable to get any hearings from the Judiciary Committee up to this time relative to the actual need of a judge in that district; and I doubt if such information is available or if the committee has held proper hearings to determine it.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GRAHAM. The committee has filed its report upon the Mississippi judgeship, recommending it, and urging it be passed, because in that district there are two sets of machinery in operation, fully equipped, two districts, and all we want to do is to appoint an additional judge, and the two districts could then function, each having a judge. Our committee reported the bill out favorably and the bill has already passed the Senate.

Mr. SNELL. When you consider the fact that the Mississippi judge has been called up to New York to help out in that situation, I think twice in the last year, it does not seem to me that there can be any extra demand for a new judge in that district under those circumstances. He has been one of the judges who has always been called to help out the New York situation.

Mr. GRAHAM. I do not think, without knowing all of the circumstances, that the conclusion which the gentleman draws is justifiable.

Mr. SNELL. That perhaps is true, but I am stating the case as it has come to me, and the gentleman from Pennsylvania has not presented any evidence yet to change my mind.

Mr. GRAHAM. The congestion in New York made it necessary to bring to New York those whom they could summon and use in New York to expedite the business there. It is true that an act of Congress was passed creating this board of senior judges, but I do not hold, and will never consent to it, so far as I am concerned, that it is necessary to get the imprimatur of that board upon every appointment that Congress chooses to make. We did not surrender our legislative function when we created this board. It was not for the appointment of judges but for getting a full and complete view of the situation so that they might consider these matters from every viewpoint, and make such recommendations to Congress as they might deem proper.

Mr. SNELL. I admit that that is not the all-controlling element in the situation, but I do contend that one of the main purposes this convention was called for was to look over the situation and recommend to Congress the need of additional judges.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. TILSON. And is it not further true that we are adopting extraordinary means here by bringing in a special rule to put these bills ahead of other bills, and because of this, should we not use extraordinary precaution as to the bills thus considered? And is not one means of precaution to have the advice of this senior counsel of judges?

Mr. SNELL. That is one of the yardsticks that the Rules Committee has gone by, and I think we are right in taking that position. In addition to the need for judges in New York, this conference of judges recommends an additional circuit judge for the second judicial circuit and also one additional Federal judge for the State of Florida. We have included in this special rule every one of the judges recommended by the council of judges, and I think we have done well in not going any further at the present time, although I do not say a case can not be made out in regard to additional judges elsewhere, and I would not want to go on record as being against them, as I do not know the conditions, but am reporting on the ones that have proven their case.

Mr. GRAHAM. I do not want my position misunderstood. I acquiesce in the action of the Committee on Rules, but I wish that the House might know my views and the views of our committee with reference to the necessity for action on the part of the council of judges before we determine to recommend the appointment of a new judge.

Mr. SNELL. I am trying to explain the situation as presented to our committee, and the reason we are proceeding in this manner at this time. From any information that I have these judgeships should be created, and I am firmly convinced that the House should adopt this rule and pass these bills.

Does the gentleman from Alabama desire any time?

Mr. BANKHEAD. I would like a few moments.

Mr. SNELL. I yield to the gentleman from Alabama such time as he may need.

Mr. BANKHEAD. Mr. Speaker, for some time my information was that there was considerable opposition on the part of some to the passage of these bills providing for the appointment of additional district and circuit judges in New York and elsewhere, but it is now my information that there will be no substantial opposition to the passage of the bills as they are called up in order. In view of that fact I can state to the chairman of the committee that I shall concur in the adoption of the rule at this time, although I opposed it in the committee. I realize, of course, that the full administration of justice is a very important matter, and whenever it is shown there is actual necessity for the appointment of additional judges, I think it is not only the part of wisdom but the duty of Congress to provide the necessary machinery for the enforcement of the law.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

ADDITIONAL DISTRICT JUDGES FOR SOUTHERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200.

The SPEAKER. The Chair suggests to the gentleman, does he desire to make any suggestion as to how the time shall be controlled?

Mr. GRAHAM. Is there any opposition?

Mr. SUMNERS of Texas. Mr. Speaker, I will say to the gentleman from Pennsylvania so far as I know there is no opposition to these bills—I answered the inquiry somewhat out of order, making reference to the four bills incorporated in this rule—I know of no opposition on this side. I am not myself opposed to the bills.

Mr. SNELL. Then we can get through with them very quickly.

Mr. SUMNERS of Texas. I want a little time. I make this suggestion, that discussion on this bill be limited to 40 minutes—

Mr. SNELL. Discussion is limited to one hour, but that hour need not be used—

Mr. SUMNERS of Texas. We will expedite as rapidly as possible. I make the suggestion that I control half the time with which to yield to gentlemen who desire to discuss the measure.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that one half the time be controlled by myself and the other half by the gentleman from Texas.

The SPEAKER. Pending the motion, the gentleman from Pennsylvania asks unanimous consent that he control one half the time and the gentleman from Texas control the other half. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200, with Mr. BACON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, three additional judges of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. GRAHAM. Mr. Chairman, in view of the full explanation by the chairman of the Committee on Rules and the fact that these measures have been before Congress for several years

and the various reports which have been submitted show the necessity for the passage of this bill, I therefore reserve the remainder of my time.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself five minutes. Mr. Chairman, I have opposed greatly increasing the number of Federal judges hoping that some plan might be worked out under which such increases would not be necessary. But that plan has not been worked out. Congestion in the courts has continued to increase until it has reached the point in some of the districts, particularly in those districts provided for in these bills, at which there is to a definite degree a denial of justice, and the proper administration of the criminal laws is not possible. For those reasons I feel this bill and the other bills included in the rule ought to be passed. I yield back the remainder of my time, and if I may be permitted I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, it will take but a very little time to justify my voting in favor of the bill for the two extra judges in the United States District Court in Brooklyn. In the last Congress I was inclined to oppose the bill, but upon closer examination of the situation as far as the United States District Court of the Eastern District of New York is concerned, and after reviewing certain tabulations which were given to me by the clerk of that court, which I intend to put in the RECORD for the information of the Members of the House, I am inclined now to the view that there should be an increased number of judges to take care of the increasing number of cases now pouring into the eastern district—the eastern district covering Brooklyn, the rest of Long Island, and Richmond Borough. There are now three judges presiding in that court, Judge Inch, Judge Moskowitz, and Judge Campbell, and upon a careful examination of their work I willingly testify to the distinguished service they are rendering. In spite of their unremitting toil, in spite of their burning of midnight oil, they can not keep up with the cases. In addition to the cases in admiralty and common law and equity, and cases on the criminal side, they have literally an avalanche of bankruptcy and naturalization cases, which occupy a great deal of their attention.

Now, we tried to solve the situation, so far as the eastern district is concerned, by importing judges from other jurisdictions. But that does not work satisfactorily, and I will tell you why, gentlemen. An outside judge coming into New York sometimes does not understand or appreciate the point of view of members of the petit jury, and we have had many cases of miscarriages of justice in the eastern district in Brooklyn, only because the judge who had been brought in from another jurisdiction did not understand the psychology or temper or attitude of the membership of that petit jury. In addition, we have different reactions to the same states of facts by different judges brought in from outside jurisdictions. I need only point out one illustration, a clear illustration, with reference to the different reactions noticeable in prohibition cases. For instance, a judge from Texas was brought in to try some prohibition cases, and in all cases he could be inflicted imprisonment. That was Judge Atwell. Another judge rarely inflicted imprisonment as punishment on the same state of facts. He was Judge Howe, of Vermont. Therefore there is generated a feeling of inequality and unfairness—a lack of impartiality upon the citizenry. Similar violations should earn similar punishments. One man is sent to jail, and another man is fined for doing the same thing. That causes disrespect for our courts.

Therefore to secure uniformity in action these outside judges should not be brought in. But we need these additional judges unless you pass this bill. It takes almost two and a half years for a case to be tried—a common-law case—in the eastern district, and even with those two additional judges it will take a long time for the court to catch up with its work in equity, in admiralty, and patent cases.

Percy G. Gilkes, the very able and painstaking clerk of that court, has submitted to me the following data:

United States District Court, Eastern District of New York

ADMIRALTY	
Cases on calendar Oct. 1, 1928	1,034
Cases added during October	28
Tried	1,062
Otherwise disposed of	44
	50
Cases on calendar Nov. 1, 1928	962
Cases added during November	21
Otherwise disposed of	983
	10
Cases on calendar Dec. 1, 1928	993

EQUITY	
Cases on calendar Oct. 1, 1928	82
Cases added during October	18
Tried	100
Otherwise disposed of	15
	13
Cases on calendar Nov. 1, 1928	72
Cases added during November	45
Tried	117
Otherwise disposed of	16
	36
Cases on calendar Dec. 1, 1928	65
COMMON LAW	
Cases on calendar Oct. 1, 1928	126
Cases added during October	8
Otherwise disposed of	134
	8
Cases on calendar Nov. 1, 1928	126
Cases added during November	10
Tried	136
Otherwise disposed of	11
	7
Cases on calendar Dec. 1, 1928	118
CRIMINAL	
Cases pending Oct. 1, 1928	1,383
Cases added during October	267
Pleas, guilty	1,650
Dismissals	231
Acquittals	55
	1
Cases pending Nov. 1, 1928	1,363
Cases added during November	149
Pleas, guilty	1,512
Dismissals	141
Trial convictions	36
Acquittals	3
Disagreements	5
Cases pending Dec. 1, 1928	1,323
MOTIONS	
October	254
November	330
ORDERS SIGNED	
Average per month	550
NATURALIZATIONS	
Typical month	4,846

The calendars do not indicate accurately all of the cases that can be tried. Because of the fact that it will take three years at least to clear up the present admiralty calendar and dispose of every case on it, few new cases are being added. This is true also of common law.

In regard to the common-law calendar, there have been several additional terms held during the year. Judge Bryant from the northern district of New York, Judge Johnson from Pennsylvania, and Judge Cooper, also from the northern district of New York, have assisted in getting down the common-law calendar, as the terms they held were in addition to the regular terms held by our own judges.

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This leaves one judge to try admiralty, equity, and common law, three items. There are only nine months in which it is practicable to try cases. That means that three classes of cases get three months each for settlement. It is no wonder that the admiralty calendar, when 100 cases are disposed of during a term, will take three years to get rid of the present cases thereon.

The decisions in the patent and other equity cases and admiralty cases must be worked on and rendered. The only time available is when a judge is holding the motion term. As he is busy pretty nearly all day long, it would seem that the only time left is Saturday afternoons, Sundays, and at nights.

As clerk I take in the orders for the judge to sign. It is very distressing for me to go into the chambers with a bundle of from 20 to 50 orders and ask a judge to sign them when he is absorbed in dictation of opinions or busily engaged in other work. However, he must be interrupted, as the lawyers insist that orders they present must be handed to the judge and signed. The figures given for orders signed is conservative.

Mr. SUMNERS of Texas. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. SOMERS].

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. SOMERS of New York. Mr. Chairman, it is my intention to vote for this bill. At the same time I would like to remind this committee that at the present time there is an investigation going on in this court. It is an investigation that promises to be very sensational, and it is too bad that before passing this legislation we can not be guided by the facts that these investigators will bring forth. However, that is impossible now, but may I suggest to the Judiciary Committee that the greatest possible attention be given to this investigation in the hope that we may so amend our bankruptcy laws, that these judges, after they are appointed, will be backed by sound, proper, and careful legislation so as to be in a better position to properly discharge their duties in the interests of the people of these districts.

Mr. GRAHAM. Mr. Chairman, I yield to the gentleman from New York [Mr. FISH] one minute.

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. O'CONNELL. Mr. Chairman, I do not think we should cut off debate in that way. We have an hour for debate.

Mr. FISH. I should like to have at least two minutes.

Mr. GRAHAM. Then, Mr. Chairman, in response to the gentleman's request, I yield to him two minutes.

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. FISH. Mr. Chairman, I just want to say in regard to the statement made by the gentleman who just spoke [Mr. SOMERS] that possibly the trouble he refers to in connection with bankruptcy cases has been caused by not having enough Federal judges in the southern district. The pressure on the present judges is so exacting that they have no time to check up the work of the referees appointed by them to handle bankruptcy cases. I suggest that the Committee on the Judiciary should draw up legislation either turning over these bankruptcy cases to banks and trust companies to act as referees or to provide for the appointment of permanent referees at a salary of \$10,000 to handle all bankruptcy cases.

Mr. O'CONNELL. Something ought to be done.

Mr. FISH. I agree with the gentleman, and it is the duty of the Committee on the Judiciary to report back to this House without delay some method of properly protecting the assets in bankrupt firms which are apt to belong to needy people. Such men as Steinhardt, who would swindle bankrupt firms, is about as contemptible a human being as can be imagined. Our Federal judges in the southern district are honest and honorable men and are not responsible for the shameful conditions exposed by the Steinhardt swindle. We have heaped too much work on their backs, and one method of affording partial relief is to pass the bill before the House providing for three additional judges. I see no reason why it should not go through the present Congress and be enacted into law before March 4. All the judges and prominent lawyers in New York are for it, and there is no politics in it. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read the bill for amendment.

The bill was read for amendment.

Mr. GRAHAM. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. That motion is not necessary under the rule. Under the rule the committee will now rise and report the bill back to the House.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York, reported that that committee had directed him to report the bill back without amendment, pursuant to the rule House Resolution 273.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14659) to pro-

vide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14659, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14659, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, two additional judges of the District Court of the United States for the Eastern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

The CHAIRMAN. Under the rule, general debate will continue for one hour, to be divided equally between the gentleman from Pennsylvania [Mr. GRAHAM] and the gentleman from Texas [Mr. SUMNERS].

Mr. GRAHAM. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in favor of this bill and to include therein certain official statements from official records.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BACON. Mr. Chairman and gentlemen of the committee, the condition of the business in the Federal court for the eastern district of New York is in a hopeless situation, and the delays in this court are well-nigh intolerable to the litigants. That is very frank language, gentlemen, and the authority for it is Chief Justice Taft, of the United States Supreme Court, speaking on behalf of the Judicial Conference of Senior Circuit Judges, which met last September. It is a rather startling commentary, especially when taken in connection with his earnest plea, made at the same time and on behalf of the same conference, that there be no further delay in creating two additional judgeships for the eastern district of New York to help relieve the congestion in that court.

While no rebuke to Congress was intended, and it was merely an earnest suggestion in the interest of the administration of justice, the forceful earnestness of the Chief Justice's plea should certainly leave its impression and its influence. In surveying the business of the district and circuit courts throughout the country, I can not help feel a sense of genuine concern that the deficiency in the consummation of court business, and, therefore, in the administration of justice, should be so glaring as it is in the eastern district of New York, and also in the southern district.

We can not give too much weight to the recommendation of Chief Justice Taft and the judicial conference. By law we have invited his recommendations; no, we have gone still further, and we have commanded his recommendations. The act creating the Conference of Circuit Judges reads:

It shall be the duty of the Chief Justice of the United States * * * to summon to a conference * * * the senior circuit judge of each judicial circuit. * * * It shall be the duty of every judge thus summoned * * * to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

And it was under that duty, specifically commanded of him, that Chief Justice Taft has made his recommendations for the improvement of the judicial machinery. And part of them was his plea that two additional judges be authorized for the eastern judicial district of New York.

Not only does the Chief Justice's conference feel the sting of the intolerable conditions in the eastern district, but the resentment against present conditions is universal throughout that district. I know of no body of lawyers, no association of business men, no representatives of the press, and no civic associations who feel differently.

Gentlemen, I feel much concern at the conditions that are portrayed. Not only are the interests of business and private citizen alike being jeopardized by the congestion in this court, but the interests of the Government are likewise being neglected.

The situation in the eastern district of New York is not only unjust but improper. There can no longer be an excuse for its continuance. It is imperative that relief be afforded to those who have intrusted their pleas to this court and that they not be made to wait for decisions in their cases until all hope is fled. It is imperative, unless we are to pile high injustice on

injustice, that this bill be passed. For Congress to suffer the present conditions would not only be a grievous mistake but, in my humble estimation, would show a callous disregard for the rights and the expectations of over three and three-quarters million people who comprise the population of the eastern district of New York. To-day, for many purposes, in many of the cases before this court, a practical denial of justice will be worked. Too true is the saying that justice delayed can be justice denied. There are some, of course, who profit from these conditions. For these the wheels of justice can never grind too slowly. But we are not influenced by this type or class, although the people as a whole, through the Government's prosecution, are directly affected.

As long as I have been in Congress I have never seen a more united, a more vigorous, and a more intelligent sponsorship of any proposal that has come before the House. Public opinion, the bar, and the interests of business are strongly behind this measure, and they are looking forward to and expecting its enactment. Let me read to you an editorial over the signature of Mr. Paul Block, appearing in the Brooklyn Standard Union for December 28, 1928, which temperately states the public will on the need for improvement in the administration of justice in the eastern district of New York:

MORE UNITED STATES JUDGES A VITAL NEED FOR OUR DISTRICT

Congress ought to provide two additional United States district judges for the eastern district of New York, which includes Brooklyn, Queens, Nassau, Suffolk, and Richmond Counties, without further delay.

The House Judiciary Committee has reported the Bacon bill. It provides for two judges. More, in fact, are needed, but two additional jurists would aid an aggravated situation, insuring litigants prompt action in court. Chief Justice William Howard Taft has stressed the need of relief.

Under existing conditions it is possible to hold only one equity, admiralty, and common-law term every three months. Lawyers and litigants alike agree such terms ought to be held every month. Three judges, with a widely known reputation for industry and painstaking devotion to duty, now conduct five terms at the main post-office building in Washington Street.

Obviously there are delays which amount to injustice. There are more than 1,100 admiralty cases now pending that will take more than two years to try unless added judges are provided. The common-law calendar is more than a year behind.

The southern district of New York now has six United States district court judges and is asking for three more. Brooklyn and Long Island, in spite of its vast growth in population, has only three judges, who are now heavily burdened.

We trust Congress will pass the Bacon bill and do it speedily.

PAUL BLOCK, *Publisher*.

As you gentlemen know, there are at present only three judges in this district, and this bill provides for two additional. In order to survey the need for these judges as best I could, in response to the striking demand for relief, I went direct to the court itself for information as to its present business condition. I was told that it will take three years at least to clear up the present admiralty calendar and dispose of every case on it. Of course, this is a condition peculiar to New York. Brooklyn vies with New York as the steamship center of the world, and more admiralty cases originate there than in any other part of the United States. Due to the inability to secure outside judges to help with the admiralty calendar, few having had experience in this special branch of law, there has been little hope or expectation for relief here. The result has been that few new cases are being added.

And I am told that what is true of the admiralty calendar is also true of common law. I quote from a résumé of the conditions at this court, prepared by its clerk:

In regard to the common-law calendar, there have been several additional terms held during the year. Judge Bryant from the northern district of New York, Judge Johnson from Pennsylvania, and Judge Cooper, also from the northern district of New York, have assisted in getting down the common-law calendar, as the terms they held were in addition to the regular terms held by our own judges.

There are three judges. One of the three holds criminal continuously. The second judge holds the motions, naturalizations, ex parte, and miscellaneous business. Monday is devoted to miscellaneous business generally. Often there is a calendar of so-called padlock cases, taking most of the day. Tuesday is naturalization day, Wednesday, general motions, it being no uncommon thing to find 60 or more motions on the calendar. This takes always the whole morning and generally the afternoon as well. Thursday is naturalization again, and Friday is bankruptcy calendar day with from 50 to 65 or 70 motions. Yesterday, for example, there was a continuous performance from the opening of the court until half-past 1 and from 2 o'clock until 4, all of bank-

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The decisions in the patent and other equity cases and admiralty cases must be worked on and rendered. The only time available is when a judge is holding the motion term. As he is busy pretty nearly all day long it would seem that the only time left is Saturday afternoons, Sundays, and at nights.

As clerk I take in the orders for the judge to sign. It is very distressing for me to go into the chambers with a bundle of from 20 to 50 orders and ask a judge to sign them when he is absorbed in dictation of opinions or busily engaged in other work. However, he must be interrupted, as the lawyers insist that orders they present must be handed to the judge and signed. The figures given for orders signed is conservative.

The factors working to bring about this very heavy court business in the eastern district of New York is due principally to the great population comprising the territory making up the district and the great commercial, industrial, and financial interests centered there. The population in the eastern district of New York is greater than that in any other Federal court district in the entire Union, the southern district of New York not excepted. Five counties make up its area. I shall give them and also their population in 1925 and in 1928, together with the rate of increase from 1920 to 1928. They will help make clear to you the peculiar conditions that are confronting this Federal court.

	Population, 1925	Population, 1928	Per cent of in- crease, 1920-1928
Richmond County.....	138,277	150,091	28.8
Kings County.....	2,203,991	2,308,999	14.4
Queens County.....	713,891	859,284	83.2
Nassau County.....	207,640	256,275	103.2
Suffolk County.....	143,208	163,164	48.0
	3,407,007	3,737,813	-----

The southern district of New York, comprising 11 counties, including the populous county of New York, has a population of 3,650,881. The eastern district has overtaken the southern and there will ever be a widening gap, as the movement of the population is definitely toward Long Island.

I have no particular faith in bald figures—they can be made to misshape situations too easily—and those that I will give I can assure you are as fair as I could get them. But it is an interesting sidelight that the population of the eastern district of New York is greater than that for 36 States of the Union, as follows:

	Population
Eastern district of New York (1920 census).....	2,840,295
Alabama.....	2,348,174
Arizona.....	334,162
Arkansas.....	1,752,204
Colorado.....	939,622
Connecticut.....	1,380,631
Delaware.....	223,003
Florida.....	968,470
Idaho.....	431,866
Iowa.....	2,404,021
Kansas.....	1,769,257
Kentucky.....	2,416,630
Louisiana.....	1,798,509
Maine.....	768,014
Maryland.....	1,449,661
Minnesota.....	2,387,125
Mississippi.....	1,790,618
Montana.....	548,889
Nebraska.....	1,296,372
Nevada.....	77,407
New Hampshire.....	443,083
New Mexico.....	360,350
North Carolina.....	2,559,123
North Dakota.....	646,872
Oklahoma.....	2,028,283
Oregon.....	783,389
Rhode Island.....	604,397
South Carolina.....	1,683,724
South Dakota.....	636,547
Tennessee.....	2,337,885
Utah.....	449,396
Vermont.....	352,428
Virginia.....	2,309,187
Washington.....	1,356,621
West Virginia.....	1,463,701
Wisconsin.....	2,632,067
Wyoming.....	194,402

While these figures are based on the 1920 census a check discloses that the advantage would run to the eastern district of New York if the rate of increase from 1920 to 1928 were applied in both instances.

So much for the population in this great judicial district.

The assessed valuation of the eastern district of New York totals the tremendous sum of \$7,899,028,767, an amount which is practically double that in the States of Arizona, Delaware, Idaho, Maine, Montana, New Hampshire, and Wyoming all combined. And interesting, too, is the fact that the eastern district outranks in population this group of seven States, which I shall list, together with their estimated population in 1928:

	Population
Eastern district of New York, 1928.....	3,737,813
Arizona.....	501,243
Delaware.....	240,843
Idaho.....	544,151
Maine.....	789,418
Montana.....	751,977
New Hampshire.....	453,716
Wyoming.....	246,890
Total.....	3,528,238

And, mind you, these seven States have nine district judges, against the three in the eastern district of New York. While I place no especial value on these figures, and while I concede that the breadth of territory in this group of States makes it essential that an adequate number of district judges be available, nevertheless the business done in the district courts of these seven States and that done in the eastern district of New York is not in the disfavor of the latter district.

The population and the business interests of the eastern district furnish, naturally, the impulse for the increasing business of the court. And that swing forward is concededly a fact, and in future years these figures will show but additions and multiplications.

To-day, Brooklyn exceeds Philadelphia and Manhattan alike and is the second largest city in the United States. Long Island itself, excluding Richmond County, which is also part of the eastern district, ranks with four of the great States of the Union. The following data concerning the importance of Brooklyn alone—and it must be borne in mind that Brooklyn is only one part of the eastern judicial district—is impressive:

Brooklyn's population exceeds that of seven States of the Union.
Brooklyn's manufactured products amount to more than \$1,000,000,000 annually.

Brooklyn ranks fourth in industry in the United States.
Brooklyn ranks sixth in industry in the world.
Brooklyn leads the world in the importation, distribution, and refining of sugar.

Brooklyn ranks first as a coffee importing and distributing center.
Brooklyn ships approximately 55 per cent of the freight from the combined ports of New York, Newark, Hoboken, and Jersey City, the sailings from Brooklyn visiting 119 foreign cities.

Brooklyn has 187 piers, accommodating more than 700 ocean liners.
Brooklyn has the second largest public-school enrollment in the United States, exceeded only by Chicago.

And I shall also give the measure of Brooklyn's startling progress in the last 10 years:

	1916	1926
Population.....	1,870,000	2,240,000
Telephones.....	138,000	356,000
Building permits.....	\$35,300,000	\$280,000,000
Electric meters in service.....	87,000	684,454
Realty, assessed valuation.....	\$1,750,000,000	\$3,230,856,000

And this great city is taking greater strides every year in the march of progress.

I do not want to bore you with a multiplication of these facts, but I shall merely say that in Queens, Richmond, Suffolk, and Nassau there is a proportionate increase and proportionate progress in business and industrial life.

This tremendous activity must of necessity, through its very force, result in increased litigation before the Federal courts in the eastern district. There is no stemming this tide of litigation and the only influence we can exert on it is that we shall keep the judiciary abreast of it.

And startling as has been the progress in the population and business activities of the eastern judicial district, the increase in the demands on the court has been astonishing. In 1906 there were a total of 655 cases before the court for adjudication, in 1911 there were 1,009, in 1921 there were 3,271, and in 1927 there were 6,379. Separating them according to types of actions they are:

	1906	1911	1921	1927
Admiralty.....	185	224	863	1,164
Law and equity.....	126	121	321	932
Bankruptcy.....	256	490	583	1,031
Criminal.....	74	129	1,328	2,349
Civil, United States.....	14	45	176	903
Total.....	655	1,009	3,271	6,379

Viewed in the form of percentages, these figures indicate that from 1906 to 1921, the increase was over 650 per cent; for the period from 1911 to 1921, the activities of the court more than trebled, and notwithstanding the appointment of an additional judge in 1923, the business from 1921 to 1927 has doubled.

A comparison of the business of the eastern district court, with its present three judges, with that of the southern district, with its present six judges, is persuasive as showing the tremendous amount of work shouldered by each of the three judges in the eastern district at this time.

That the judges in the eastern district are doing far more than their share, and are obliged to carry even a much heavier burden than their brother judges in the adjoining southern district, can be readily seen from the table given below, covering the year 1927, and showing the number of all cases before both courts, divided among the individual judges in the respective courts:

Division of total cases before court by number of judges		
IN THE EASTERN DISTRICT		Per judge
Admiralty cases.....		386
Law and equity.....		310
Bankruptcy.....		343
Criminal.....		783
Trials.....		40
Civil.....		301
IN THE SOUTHERN DISTRICT		
Admiralty cases.....		152
Law and equity.....		221
Bankruptcy.....		280
Criminal.....		343
Trials.....		26
Civil.....		330

As part of my remarks, I am appending a table giving the detailed business of this court up to December 1, 1928. These are the latest figures available.

We have 91 district courts and 132 district judges to handle all of the business of the United States district courts throughout the country and in the Territories. In the report of the Attorney General for 1928, on pages 88 and 89, the total business before all the district courts of the United States is given. It is divided into three groups, civil, criminal, and private cases. While the report naturally does not attempt to allot to each district court its percentage of all the court business before the district courts, I completed this percentage for the eastern district of New York. And the result was rather a startling one.

It shows that of the civil cases, the eastern district had in 1927, 8 per cent of the total in the United States; of the criminal cases, it had 10½ per cent; and of the private cases, it had 20 per cent.

The figures for 1928 are substantially similar, with a marked reduction, however, in the criminal cases, due, probably, to throwing into the discard a great number of old prohibition cases. An increase of 4 per cent in the private cases before the court is indicated. The percentages for 1928 show that the eastern district of New York has before it 7 per cent of the total number of civil cases in all the country; 4 per cent of the criminal cases, and 24 per cent of the private cases.

While I do not show the percentage of business of the total for each district court in the United States, it is very patent that the eastern district of New York has many, many more times its share, distributed as it must be among three judges.

To keep even fair pace with their steadily mounting calendars has exacted of these judges in the eastern district of New York labor and attention to duty and a denial of leisure time that to my mind is most unfair. They have shown a spirit of self-sacrifice and an unflinching devotion to duty that is really inspiring. They are laboring under a terrific strain. The work of the court engages their attention from early morning until late in the evening, and from the information available it is known that it is the common rule for them to come back to their chambers at night or to bring work to their homes.

To help lessen the congestion in this court—and not to lessen the labor of the home judges—assignment of judges from all over the United States have been made to the eastern district. They have come from New Jersey, Nebraska, Texas, Alabama, Louisiana, Florida, and from many other States. These assignments since 1923 have averaged the full time of one outside judge every day for approximately six months of a year. In

1928 these assignments averaged one judge for a little under seven full months. These outside judges, new to the district and new to the members of the bar, receive \$10 per diem, together with their railroad fare and necessary clerical hire.

Here is the list of the names of the judges and the States from which assigned, together with the period of their service in the court of the eastern judicial district of New York:

Judge	District	From—	To—
Charles F. Lynch	New Jersey	Mar. 5, 1923	Mar. 23, 1923
D. Lawrence Groner	Eastern district of Virginia	July 18, 1923	July 7, 1923
Wm. B. Sheppard	Northern district of Florida	June 1, 1923	July 31, 1923
Do	do	Sept. 3, 1923	Sept. 30, 1923
Jos. W. Woodrough	Nebraska	July 2, 1923	Aug. 31, 1923
W. Lee Estes	Eastern district of Texas	Sept. 17, 1923	Oct. 15, 1923
Robert T. Erwin	Southern district of Alabama	June 9, 1924	Sept. 30, 1924
Wm. B. Sheppard	Northern district of Florida	Feb. 2, 1925	Feb. 7, 1925
Harland B. Howe	Vermont	June 1, 1925	Sept. 30, 1925
Benj. C. Dawkins	Western district of Louisiana	July 7, 1925	July 21, 1925
Lake Jones	Southern district of Florida	Sept. 1, 1925	4 weeks
Robert T. Erwin	Southern district of Alabama	July 1, 1925	Sept. 30, 1925
Wm. B. Sheppard	Northern district of Florida	July 1, 1927	Sept. 30, 1927
Do	do	Nov. 7, 1927	Dec. 3, 1927
Fred. H. Bryant	Northern district of New York	Mar. 7, 1928	Apr. 7, 1928
Warren B. Burrows	Connecticut	Apr. 30, 1928	May 31, 1928
Fred. H. Bryant	Northern district of New York	Apr. 23, 1928	May 5, 1928
Albert H. Johnson	Middle district of Pennsylvania	July 17, 1928	Aug. 31, 1928
Wm. H. Atwell	Northern district of Texas	Sept. 1, 1928	Sept. 30, 1928
Henry D. Clayton	Northern district of Alabama	Nov. 7, 1928	Nov. 30, 1928
Frank Cooper	Northern district of New York	Dec. 1, 1928	Dec. 21, 1928
Do	do		

A recapitulation of the above shows that the judges named served 877 days in the eastern district, or a total period of 2 years 4 months 27 days.

But even with the aid furnished by these outside judges there has been no marked improvement in the condition of the business at this court. And to obtain these jurists has been a difficult task. The senior judge in the eastern district court has found it a hard and often an embarrassing task to secure outside judges. My information is that at one time he was forced to write to 18 different judges before he succeeded in persuading one to hold a term of court. This was a very recent occasion.

In the criminal cases their service was invaluable, but in admiralty and common law the resident judges had to be depended upon. Then, too, these outside judges, not having the wide acquaintanceship with the local bar, are at a disadvantage in pushing cases to trial.

So much for the justification of this bill. I will only take a few more moments of your time to tell you the influences that are earnestly back of this measure and that demand and expect its enactment.

Back of this bill is the editorial prestige of all the important newspapers in the eastern judicial district. Not one paper, to my knowledge, has ever printed a word of opposition, or of indifference, to the bill. Rather, the press has been most insistent on its passage.

This measure has the support of every bar association in the eastern judicial district and also of the New York Bar Association and the New York Patent Bar Association. The resolution of the Brooklyn Bar Association, directed to a previous bill introduced by me, is particularly pointed, and I give it in full:

Whereas the amount of business in the United States District Court for the Eastern District of New York has increased so largely that from 1911 until 1922 there was an increase of about 500 per cent in admiralty, 250 per cent in law and equity, 200 per cent in bankruptcy, and an increase of 500 per cent in criminal cases; and

Whereas the percentage of increases has continued from that period down to the fiscal year ending June 30, 1927; and

Whereas there are now only three district judges appointed from this district; and

Whereas under the present condition one judge is continually occupied with criminal cases, one judge is occupied with all the ex parte and litigated motions, and naturalization; that only one judge is therefore available to try the litigated causes in equity, law, and admiralty, so that each class of causes has but three months of each year for the transaction of its business unless judges are brought from out of town; and

Whereas there has been increasing difficulty in obtaining judges from other districts to sit in the eastern district of New York and relieve the pressure: Now, therefore, be it

Resolved, That the Brooklyn Bar Association at a regular meeting thereof held on the 8th day of March, 1928, places itself on record as being unanimously in favor of there being an increase in the number of judges for the eastern district of New York by at least one; and be it further

Resolved, That the Brooklyn Bar Association place itself on record as being in favor of the bill H. R. 5774 now pending before the Committee of the Whole House on the state of the Union; and be it further

Resolved, That a copy of this resolution be sent to each Congress-

man representing a congressional district within the eastern district of New York, and to each of the United States Senators from the State of New York; and be it further

Resolved, That the president of the Brooklyn Bar Association be empowered and directed to appoint a committee of 10, two members of which shall wait upon each Congressman representing a congressional district within the confines of the eastern district of New York and each United States Senator from the State of New York to obtain from such Congressmen and Senators a definite stand upon the following propositions and report the same back to the Brooklyn Bar Association at its next regular meeting, whether the said bill for the additional judge shall have been acted upon or not; and be it further

Resolved, That the questions to be asked by the committee of these Congressmen and Senators, as follows:

1. Are you persuaded that an additional United States district judge is necessary in the eastern district of New York at the present time?

2. Are you in favor of the present bill H. R. 5774, providing for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York?

3. If not, why?

This measure has the support of every chamber of commerce and business organization in the eastern district of New York, as well as merchant and commercial bodies in the city of New York proper.

But forming the fundamental background for the support of this proposal to improve the judicial machinery are the private citizens and business interests for whose sole benefit it is intended. This morning's mail brought me a letter from one of the largest surety companies in the world which succinctly states the need for this measure. In urging the enactment of the bill it stated:

As you know, one of the greatest handicaps that business in our city labors under is the delay in obtaining justice in the Federal courts, due to the inadequate number of judges.

Under present conditions existing at this court, all arising from the inadequate judicial personnel, these citizens and business interests are denied that measure of justice to which they are entitled.

I think I am as much against authorizing unnecessary additional judicial personnel as any Member of this House. Before voting for an increase anywhere I would want the justification. I would want to know that there was a real need for the creation of additional judgeships in any district. But the assignment practice, at least as far as the eastern district is concerned, has broken down. It offers no real relief. Not only has it been practically impossible to bring in outside judges but those who have favored our district were available only, for all practical purposes, for the criminal part, not having special admiralty experience, or being experienced with the common law as practiced in New York.

Every expedient to aid the eastern district with the present machinery has failed, and therefore there is only one solution, and that is the appointment of two additional permanent judges. It becomes our duty, our patriotic duty, to offer every help possible in the administration of justice, and therefore, gentlemen, I earnestly hope that you will support this measure and aid in curing the "hopeless situation" in our district pictured by Chief Justice Taft.

Summary of business at Federal court for Eastern District of New York to December 1, 1928

ADMIRALTY	
Cases on calendar Oct. 1, 1928	1,034
Cases added during October	28
	1,062
Tried	44
Otherwise disposed of	56
Cases on calendar Nov. 1, 1928	962
Cases added during November	21
	983
Otherwise disposed of	10
Cases on calendar Dec. 1, 1928	993
EQUITY	
Cases on calendar Oct. 1, 1928	82
Cases added during October	18
	100
Tried	15
Otherwise disposed of	13
Cases on calendar Nov. 1, 1928	72
Cases added during November	45
	117
Tried	16
Otherwise disposed of	36
Cases on calendar Dec. 1, 1928	65

COMMON LAW

Cases on calendar Oct. 1, 1928	126
Cases added during October	8
Otherwise disposed of	134
Cases on calendar Nov. 1, 1928	126
Cases added during November	10
Tried	136
Otherwise disposed of	11
Cases on calendar Dec. 1, 1928	7
	118

CRIMINAL

Cases pending Oct. 1, 1928	1,383
Cases added during October	267
	1,650
Pleas, guilty	231
Dismissals	55
Acquittals	1
Cases pending Nov. 1, 1928	1,363
Cases added during November	149
	1,512
Pleas, guilty	144
Dismissals	36
Trial convictions	3
Acquittals	5
Disagreements	1
Cases pending Dec. 1, 1928	1,323

MOTIONS

October	254
November	330

ORDERS SIGNED

Average per month	550
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NATURALIZATIONS

Typical month	4,846
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The Clerk read the bill for amendment.

The CHAIRMAN. If no one desires to propose amendments the committee will now rise, pursuant to the rule, and report the bill back to the House without amendment.

Accordingly the committee rose; and Mr. SNELL having assumed the chair as Speaker pro tempore, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York, and had directed him to report the same back to the House without amendment, pursuant to House Resolution 273.

The SPEAKER pro tempore. Under the resolution the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL CIRCUIT JUDGE FOR THE SECOND JUDICIAL CIRCUIT

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, for the appointment of an additional circuit judge for the second judicial circuit.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the second judicial circuit.

The CHAIRMAN. Under the rule there is one hour of general debate, one-half to be controlled by the gentleman from Pennsylvania [Mr. GRAHAM] and one-half to be controlled by the gentleman from Texas [Mr. SUMNERS]. The gentleman from Pennsylvania is recognized for 30 minutes.

Mr. GRAHAM. Mr. Chairman, I do not desire to use any time, and I ask for the reading of the bill.

The CHAIRMAN. Does the gentleman from Texas desire to use any time?

Mr. SUMNERS of Texas. The gentleman from Texas does not desire to use any time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

The CHAIRMAN. Pursuant to the rule, the committee will now rise and report the bill back to the House without amendment.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit and had directed him to report the same back to the House without amendment, pursuant to House Resolution 273.

The SPEAKER. Under the resolution the previous question is ordered. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, to create an additional judge in the southern district of Florida.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, which the Clerk will report.

The Clerk read as follows:

An act to create an additional judge for the southern district of Florida

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Southern District of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 2. That this act shall take effect immediately.

Passed the Senate April 4, 1928.

Mr. DENISON. Will the gentleman from Pennsylvania [Mr. GRAHAM] yield for a question?

Mr. GRAHAM. Certainly.

Mr. DENISON. I desire to ask the chairman of the Judiciary Committee if these various bills, including the one now under consideration, authorize a continuing exercise of the power granted in the bills, or does the President exhaust his power when he appoints the first additional judge?

Mr. GRAHAM. These are to be permanent judgeships. When the President appoints the judge, of course, he has exhausted his power of appointment.

Mr. DENISON. Then when that judge dies the President can not again exercise the power?

Mr. GRAHAM. Not unless by something in the bill requiring him to be authorized by the Congress.

Mr. DENISON. That is what I wanted to know. In other words, this is not the creation of a permanent judgeship, but merely an authorization for the appointment of another judge.

Mr. GRAHAM. It is the creation of a permanent judgeship.

Mr. DENISON. The gentleman just stated the contrary.

Mr. GRAHAM. No; I beg the gentleman's pardon. The gentleman misunderstood me.

Mr. DENISON. I did not misunderstand the gentleman. I think the chairman stated very clearly that when this judge dies the power of appointment can not again be exercised.

Mr. GRAHAM. A new judge would not have to be authorized by the Congress each time.

Mr. DENISON. There is apparently a difference of opinion. Mr. DYER. That only applied to the act which we passed some years ago.

Mr. SNELL. May I ask the chairman of the Judiciary Committee a question?

Mr. GRAHAM. Yes.

Mr. SNELL. I have always understood that we were creating an additional judgeship, and when this judge died it would be within the power of the President of the United States to appoint the judge.

Mr. GRAHAM. The gentleman is quite right. That is true. Mr. MICHENER. The Congress has nothing more to do with it, only as the Senate confirms.

Mr. DENISON. I have no opposition to these bills; but I made the inquiry because it seemed to me the language used was not sufficient to provide for a permanent, additional judgeship, and that the power of the President to appoint the judge

in this district is exhausted when he appoints this additional judge.

Mr. GRAHAM. It is the usual language used both by the Senate and the House.

Mr. DYER. The gentleman probably confuses himself by having in mind in connection with this legislation some legislation which the Congress passed some years ago which provided that successors should not be appointed unless they were recommended by the council of judges.

Mr. SNELL. And when it is not to be a continuing judgeship, it definitely states that in the bill.

Mr. GRAHAM. Yes.

Mr. SUMNERS of Texas. Mr. Chairman, I do not desire to use any time.

The Clerk read the bill for amendment.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1275) to create an additional judge for the southern district of Florida, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT—WORLD'S POULTRY CONGRESS (H. DOC. NO 509)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending that Congress be requested to authorize an appropriation of \$40,000 for the participation of the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England in 1930.

The recommendation has my approval and I request of Congress legislation authorizing an appropriation of \$40,000 for the purpose of participation by the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England, probably in the second half of the month of July, 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 15, 1929.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 16, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 16, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(1.30 p. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 16.

Wood and manufactures of, January 17, 18.

Sugar, molasses, and manufactures of, January 21, 22.

Tobacco and manufactures of, January 23.

Agricultural products and provisions, January 24, 25, 28.

Spirits, wines, and other beverages, January 29.

Cotton manufactures, January 30, 31, February 1.

Flax, hemp, jute, and manufactures of, February 4, 5.

Wool and manufactures of, February 6.

Silk and silk goods, February 11, 12.

Papers and books, February 13, 14.

Sundries, February 15, 18, 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the general legislation before the committee.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

To amend the classification act of 1923, approved March 4, 1923 (H. R. 16168).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To readmit Cornelia Roosevelt von Zedlitz to the character and privileges of a citizen of the United States (H. J. Res. 225).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H. (S. 4739).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON RAILROADS

(10 a. m.)

To promote the safety of the people by installing automatic train controls on railroads; for determining and installing the most practical control of automobiles at grade crossings; for determining and installing other appliances for the protection of the people; to safeguard the interests of the inventors and the people supporting them in the development of devices and appliances in connection therewith; and to impose penalties and other conditions relative thereto (H. R. 9686).

To create a board for the safety and betterment of the people (H. R. 15094).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 15382. A bill to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.; with amendment (Rept. No. 2088). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 15968. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; with amendment (Rept. No. 2089). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.; without amendment (Rept. No. 2090). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.; without amendment (Rept. No. 2091). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Missis-

issippi River at or near Baton Rouge, La.; without amendment (Rept. No. 2092). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; without amendment (Rept. No. 2093). Referred to the House Calendar.

Mr. GARBER: Committee on Interstate and Foreign Commerce. H. R. 14151. A bill to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington; with amendment (Rept. No. 2094). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 14452. A bill to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear*; with amendment (Rept. No. 2095). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 16129. A bill to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy; with amendment (Rept. No. 2096). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DARROW: Committee on Naval Affairs. H. R. 13428. A bill for the relief of Mackenzie Memorial Hospital and German American Hospital and Lau Ye Kun, all of Tientsin, China; with amendment (Rept. No. 2097). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. H. R. 15651. A bill for the relief of Leonidas L. Cochran; with amendment (Rept. No. 2098). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HERSEY: A bill (H. R. 16270) to revive and reenact an act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 16271) to increase the compensation of carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. DOUGLAS of Arizona: A bill (H. R. 16272) providing for the designation and maintenance of national cemeteries at Tucson, Ariz., and Fort Bayard, N. Mex.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 16273) to amend an act entitled "An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes," approved May 17, 1928; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McFADDEN: A bill (H. R. 16275) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FISHER: A bill (H. R. 16276) in reference to members of the Officers' Reserve Corps, United States Army; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 16277) to classify certain positions in the Railway Mail Service, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 16278) to amend the national defense act by providing for a pharmacy corps in the Medical Department, United States Army; to the Committee on Military Affairs.

By Mr. VINSON of Kentucky: A bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINGO: A bill (H. R. 16280) to amend section 7 of public act 391, Seventieth Congress, approved May 15, 1928; to the Committee on Flood Control.

By Mr. MORROW: A bill (H. R. 16281) to provide for a military and industrial school for boys and girls in the State of New Mexico; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16282) for the relief of Andrew Boyd Rogers; to the Committee on Naval Affairs.

By Mr. BEERS: A bill (H. R. 16283) granting a pension to Katharine M. Thomas; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 16284) granting a pension to Joseph W. Stroud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16285) to correct the military record of Benjamin F. Yazel; to the Committee on Military Affairs.

By Mr. FULBRIGHT: A bill (H. R. 16286) granting an increase of pension to William H. Surridge; to the Committee on Pensions.

Also, a bill (H. R. 16287) granting an increase of pension to Lavina M. Williams; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 16288) granting a pension to Susie G. Ganbin; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 16289) granting an increase of pension to Elizabeth Kennel; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 16290) granting a pension to Stephen Cole, alias Steven Cole; to the Committee on Pensions.

Also, a bill (H. R. 16291) for the relief of Stephen Cole, alias Steven Cole; to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 16292) granting an increase of pension to Alice L. Enloe; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 16293) granting an increase of pension to Emily A. Northcutt; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 16294) granting a pension to William E. Dollard; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16295) granting an increase of pension to Pauline Carney; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16296) granting an increase of pension to Matilda Beighley; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 16297) granting a pension to B. F. Ramey; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 16298) granting a pension to Wallace Cayton; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 16299) granting a pension to Nancy E. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16300) granting a pension to Annie Brubaker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8237. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

8238. By Mr. FULBRIGHT: Petition by citizens of New Madrid County, Mo., urging passage of House bill 14116; to the Committee on Agriculture.

8239. By Mr. GARBER: Petition of the Clara Barton Auxiliary, United Spanish War Veterans, urging support of House bill 14676; to the Committee on Pensions.

8240. Also, petition of the Medical Society of the State of New York, in opposition to the Newton bill; to the Committee on Interstate and Foreign Commerce.

8241. By Mr. LINDSAY: Petition of Miller Parlor Frame Co. (Inc.), Brooklyn, N. Y., opposing the lowering or preserving of the present schedule on importation of furniture frames from Italy, strongly urging increasing schedule; to the Committee on Ways and Means.

8242. Also, petition of McKibben Chair Corporation, Brooklyn, N. Y., urging an increase in the tariff on wood manufactures and products of wood industry, particularly importation of wood frames from abroad; to the Committee on Ways and Means.

8243. By Mr. MOORE of New Jersey: Petition of employees of Barrett & Co., leather manufacturers, of Newark, N. J., asking for adequate duty on leather, etc.; to the Committee on Ways and Means.

8244. By Mr. O'CONNELL: Petition of the Magee Carpet Co., Bloomsburg, Pa., favoring the passage of House bills 9200 and

14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8245. Also, petition of I. Mittelman & Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8246. Also, petition of the Edmund Wright-Ginsberg Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8247. By Mr. WINTER: Resolutions from the Washakie County Farm Bureau and Washakie Beet Growers' Association, urging that sugar beets and the production of sugar be included in the tariff hearings held on agricultural products; to the Committee on Ways and Means.

8248. Also, resolution by the Powell Chamber of Commerce, Powell, Wyo., urging that every possible effort toward the passage of House bill 9956 and Senate bill 2829 be made at this session of Congress; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, January 16, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty Father, from whose bosom we dropped into light, we know so little of the path we tread or where it leads, but Thou knowest all things, and in Thee is our trust.

Put to silence now our clamorous thoughts that we may be still and know that Thou art God, that Thy sheltering love enfolds us, wooing us to better things. Give us strength for our burdens, wisdom for our responsibilities, insight for our times, and faith sufficient for the larger claims, that in all our striving for the Nation's weal we may be conscious of our fellowship with Thee.

Help us thus to bear the fret of care and to keep unbroken vigil of the soul lest we trifle with life's golden opportunities or scorn its swiftly ebbing day. All of which we ask through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9200. A bill to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. A bill to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

MULTILATERAL PEACE TREATY—PERSONAL EXPLANATION

Mr. EDGE. Mr. President, I desire, if I may at this time, to make a short personal statement. I was unable to be present at the session of the Senate yesterday when the final vote was taken on the ratification of the Briand-Kellogg treaty and therefore, of course, am not recorded as voting. The fact is that we were inaugurating a governor in the State of New Jersey yesterday and I felt that event of sufficient importance to demand my presence. I desire to state that if I had been in the Senate yesterday I would have voted for the ratification of the treaty with or without a committee report.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

PETITIONS AND MEMORIALS

Mr. BRUCE presented letters in the nature of memorials, which were ordered to lie on the table and to be printed in the RECORD, as follows:

SANDY SPRINGS, MD., January 7, 1929.

CITIZENS CONFERENCE ON CRUISERS,

Hotel Washington, Washington, D. C.

GENTLEMEN: It is with regret that I am compelled by press of business connected with the company of which I have been an officer for near 40 years to decline your invitation to attend your meetings tomorrow, but as evidence of my deep interest in the splendid work you are doing I inclose check for a seat at the dinner table.

May your efforts be crowned with success and the cruiser bill be defeated, postponed, or at least amended. It would show the world that America has lost not only her spiritual leadership among nations but all sense of humor if she should accompany a pact for the renunciation of war by starting to building a new lot of war vessels.

Very truly yours,

ALLAN FARQUHAR.

THE WESTMINSTER THEOLOGICAL SEMINARY,
DEPARTMENT OF BIBLICAL THEOLOGY,
Westminster, Md., January 6, 1929.

CONFERENCE ON THE CRUISER BILL,

Hotel Washington, Washington, D. C.

DEAR FRIENDS: On account of illness I shall not be able to meet in the conference on the cruiser bill on January 8.

I heartily indorse the purpose of the meeting. I am opposed to the cruiser bill and believe that the pact for renunciation of war should be ratified at once and given all possible moral support.

Sincerely,

M. J. SHROYER.

SANDY SPRINGS, MD., January 6, 1929.

CITIZENS CONFERENCE ON CRUISERS,

Hotel Washington, Washington, D. C.

GENTLEMEN: I should like to express my interest in this conference and heartily indorse the purpose of it, believing that out of honest discussion we can become keenly alive to the world's ills and realize that it is not battleships that we need but warm friendliness with all nations, which can come about through education.

Sincerely,

MARY M. MILLER.

Mr. COPELAND presented resolutions adopted by the Council of the New York Commandery of the Naval Order of the United States, favoring the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous memorials and letters and telegrams in the nature of memorials, of citizens and civic and religious organizations in the State of New York, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. FESS presented numerous resolutions adopted by women's clubs and civic and religious organizations in the State of Ohio, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of members of the Phi Gamma Mu Society of the Texas Technological College, indorsing the so-called general pact for the renunciation of war, which was ordered to lie on the table.

Mr. EDGE presented memorials and letters and telegrams in the nature of memorials of sundry citizens and organizations in the State of New Jersey, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. GILLETT presented letters and papers in the nature of memorials from sundry citizens and organizations in the State of Massachusetts, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous resolutions of women's clubs and civic and religious organizations in the State of Massachusetts, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WAGNER. I ask that there may be printed in the RECORD and lie on the table resolutions received by me from the Chamber of Commerce of the Bronx, New York City, in favor of the passage of the cruiser bill.